

House File 2359 - Reprinted

HOUSE FILE 2359
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 616)

(As Amended and Passed by the House February 25, 2016)

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective date provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 8D.14, Code 2016, is amended to read as follows:

8D.14 Iowa communications network fund.

1. There is created in the office of the treasurer of state a fund to be known as the Iowa communications network fund under the control of the Iowa telecommunications and technology commission. There shall be deposited into the Iowa communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 8D.13, funds received from leases pursuant to section 8D.11, and other moneys by law credited to or designated by a person for deposit into the fund. Amounts deposited into the fund are appropriated to and for the use of the commission. Notwithstanding [section 12C.7](#), interest earned on amounts deposited in the fund shall be credited to the fund. Notwithstanding [section 8.33](#), moneys deposited into and appropriated from the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

~~2. The commission shall be required to repay one million dollars of start-up funding from the Iowa communications network fund to the general fund of the state. For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the commission shall repay two hundred fifty thousand dollars of start-up funding at the end of that fiscal year, and for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the commission shall repay two hundred fifty thousand dollars of start-up funding at the end of that fiscal year. The remaining five hundred thousand dollars shall be repaid in a reasonable period of time thereafter as provided in this subsection. The commission shall conduct a review of the operation of the fund and the extent to which a continued~~

~~1 need for funding for cash flow support exists, and shall
2 provide a report summarizing the results of the review to
3 the general assembly by January 1, 2010. The report shall
4 also include a plan regarding repayment of the remaining five
5 hundred thousand dollars in start-up funding in a manner which
6 will not adversely affect network operations, and any other
7 recommendations relating to the fund and the operation of the
8 network deemed appropriate by the commission.~~

9 Sec. 2. Section 12.77, Code 2016, is amended to read as
10 follows:

11 **12.77 Construction.**

12 Sections 12.71 through 12.76, being necessary for the
13 welfare of this state and its inhabitants, shall be liberally
14 construed to effect ~~its~~ the purposes of the sections.

15 Sec. 3. Section 12.86, Code 2016, is amended to read as
16 follows:

17 **12.86 Construction.**

18 Sections 12.81 through 12.85, being necessary for the
19 welfare of this state and its inhabitants, shall be liberally
20 construed to effect ~~its~~ the purposes of the sections.

21 Sec. 4. Section 12.90, subsection 2, Code 2016, is amended
22 to read as follows:

23 2. **Sections 12.87 through 12.89, and this section,** being
24 necessary for the welfare of this state and its inhabitants,
25 shall be liberally construed to effect ~~its~~ the purposes of the
26 sections.

27 Sec. 5. Section 13.7, subsection 1, Code 2016, is amended
28 to read as follows:

29 1. Compensation shall not be allowed to any person for
30 services as an attorney or counselor to an executive department
31 of the state government, or the head of an executive department
32 of state government, or to a state board or commission.
33 However, the executive council may authorize employment of
34 legal assistance, at a reasonable compensation, in a pending
35 action or proceeding to protect the interests of the state,

1 but only upon a sufficient showing, in writing, made by the
 2 attorney general, that the department of justice cannot for
 3 reasons stated by the attorney general perform the service.
 4 The reasons and action of the executive council shall be
 5 entered upon its records. If the attorney general determines
 6 that the department of justice cannot perform legal service
 7 in an action or proceeding, the executive council shall
 8 request the department involved in the action or proceeding
 9 to recommend legal counsel to represent the department. If
 10 the attorney general concurs with the department that the
 11 person recommended is qualified and suitable to represent the
 12 department, the person recommended shall be employed. If the
 13 attorney general does not concur in the recommendation, the
 14 department shall submit a new recommendation. This subsection
 15 does not affect the general counsel for the utilities board of
 16 the department of commerce, the legal counsel of the department
 17 of workforce development, or the general counsel for the
 18 property assessment appeal board.

19 Sec. 6. Section 13C.2, subsection 1, paragraph c, Code 2016,
 20 is amended to read as follows:

21 c. In lieu of filing the financial disclosure information
 22 at the time of registration, the professional commercial
 23 fund-raiser may file a statement with its permit application
 24 where it agrees to provide, without cost, the financial
 25 disclosure information required to be disclosed pursuant to
 26 this subsection to a person or ~~government~~ governmental entity
 27 requesting the information within one day of the request. The
 28 statement shall include the telephone number, mailing address,
 29 and names of persons to be contacted to obtain the financial
 30 disclosure information of the fund-raiser. Failure to provide
 31 this information upon request shall be a violation of this
 32 chapter.

33 Sec. 7. Section 13C.2, subsection 3, paragraph b, Code 2016,
 34 is amended to read as follows:

35 b. The attorney general may seek an injunction pursuant

1 to [section 714.16](#) prohibiting the professional commercial
2 fund-raiser or charitable organization from soliciting
3 contributions until the required financial information has
4 been disclosed to the attorney general, person, or ~~government~~
5 governmental entity making the request.

6 Sec. 8. Section 15.338, subsection 5, Code 2016, is amended
7 to read as follows:

8 5. In providing financial assistance under this section,
9 the authority shall coordinate with a city to develop a plan
10 for the use of funds that is consistent with the community
11 development, housing, and economic development goals of the
12 city. The terms of the agreement entered into pursuant to
13 subsection ~~3~~ 4 and the use of financial assistance provided
14 under this section shall reflect the plan developed based on a
15 city's goals.

16 Sec. 9. Section 15.353, subsection 2, paragraph d,
17 subparagraph (2), subparagraph division (c), Code 2016, is
18 amended to read as follows:

19 (c) The demand for projects applying under this paragraph
20 "d" compared to the demand for projects applying under
21 paragraphs "a" through "c".

22 Sec. 10. Section 15H.5, subsection 5, paragraphs b and d,
23 Code 2016, are amended to read as follows:

24 *b.* The commission shall manage the Iowa summer youth corps
25 program in a manner to maximize the leveraging of federal,
26 local, and private funding opportunities that increase or
27 amplify program impact and service-learning opportunities.
28 The commission shall also encourage collaboration with, and
29 utilization of, other national, local, and nonprofit programs
30 engaged in community service or addressing the needs of youth
31 from families with low income.

32 *d.* The commission shall include progress information
33 concerning implementation of the Iowa summer youth corps
34 program in the quarterly reports made to the governor and the
35 general assembly in accordance with [section 15H.2](#).

1 Sec. 11. Section 15H.5, subsection 6, paragraph b, Code
2 2016, is amended to read as follows:

3 **b.** If a stipend is provided to a youth participating in
4 the Iowa summer youth corps program, the youth shall be age
5 fourteen through eighteen.

6 Sec. 12. Section 16.2D, subsection 6, paragraph b, Code
7 2016, is amended to read as follows:

8 **b.** The council shall elect a chairperson and vice
9 chairperson from the membership of the council. The
10 chairperson and vice chairperson shall each serve two-year
11 terms. The positions of chairperson and vice chairperson shall
12 not both be held by ~~members who are both~~ either general public
13 members or agency ~~directors~~ director members. The ~~position~~
14 positions of chairperson and vice chairperson shall rotate
15 between agency director members and general public members.

16 Sec. 13. Section 17A.17, subsection 1, paragraph a, Code
17 2016, is amended to read as follows:

18 **a.** Unless required for the disposition of ex parte matters
19 specifically authorized by statute, a presiding officer in a
20 contested case, shall not communicate, directly or indirectly,
21 with any person or party in connection with any issue of fact
22 or law in that contested case, ~~with any person or party~~, except
23 upon notice and opportunity for all parties to participate as
24 shall be provided for by agency rules.

25 Sec. 14. Section 21.5, subsection 1, paragraph g, Code 2016,
26 is amended to read as follows:

27 **g.** To avoid disclosure of specific law enforcement matters,
28 such as current or proposed investigations, or inspection or
29 auditing techniques or schedules, which if disclosed would
30 enable law violators to avoid detection.

31 Sec. 15. Section 28F.12, subsection 2, Code 2016, is amended
32 to read as follows:

33 **2.** If the entity is comprised solely of cities, counties,
34 and sanitary districts established under chapter 358, or any
35 combination thereof, it is a governmental entity with respect

1 to projects undertaken pursuant to [chapter 418](#) and may exercise
 2 all of the powers of a governmental entity under that chapter
 3 in connection with ~~the~~ a flood mitigation project. Unless
 4 otherwise provided in [chapter 418](#), if the entity is undertaking
 5 a flood mitigation project as a governmental entity under
 6 chapter 418, the provisions of [chapter 418](#) shall prevail over
 7 any conflicting provision in [this chapter](#).

8 Sec. 16. Section 48A.26, subsections 4 and 5, Code 2016, are
 9 amended to read as follows:

10 4. If the registrant applied by mail to register to vote and
 11 did not answer either "yes" or "no" to the first question in
 12 section 48A.11, subsection 3, ~~paragraph "a"~~, the application
 13 shall be processed. If the application is complete and proper
 14 in all other respects and information on the application is
 15 verified, as required by [section 48A.25A](#), the applicant shall
 16 be registered to vote and sent an acknowledgment.

17 5. If the registrant applied by mail to register to vote
 18 and answered "no" to the first question in section 48A.11,
 19 subsection 3, ~~paragraph "a"~~, the application shall not be
 20 processed. The acknowledgment shall advise the applicant
 21 that the registration has been rejected because the applicant
 22 indicated on the registration form that the applicant is not a
 23 citizen of the United States.

24 Sec. 17. Section 91E.2, subsection 1, paragraph b, Code
 25 2016, is amended to read as follows:

26 *b.* If a Spanish-speaking interpreter is needed, the employer
 27 shall select an interpreter from a list of interpreters
 28 developed by the department of workforce development, ~~drawn~~
 29 ~~from the commission of Latino affairs' statewide list of~~
 30 ~~interpreters qualified to serve Iowa courts and administrative~~
 31 ~~agencies.~~

32 Sec. 18. Section 96.7, subsection 8, paragraph a,
 33 subparagraph (4), Code 2016, is amended to read as follows:

34 (4) The department, in accordance with rules adopted by the
 35 department pursuant to chapter 17A, shall notify each nonprofit

1 organization of any determination made by the department of the
 2 status of the nonprofit organization as an employer and of the
 3 effective date of any election or termination of election. A
 4 determination is subject to appeal and review in accordance
 5 with [subsections 4 and 5](#).

6 Sec. 19. Section 96.13, subsection 2, Code 2016, is amended
 7 to read as follows:

8 2. *Replenishment of lost funds.* If any moneys received
 9 after June 30, 1941, from the social security administration
 10 under Tit. III of the Social Security Act, or any unencumbered
 11 balances in the unemployment compensation administration fund
 12 as of that date, or any moneys granted after that date to this
 13 state pursuant to the provisions of the Wagner-Peyser Act,
 14 or any moneys made available by this state or its political
 15 subdivisions and matched by such moneys granted to this state
 16 pursuant to the provisions of the Wagner-Peyser Act, are
 17 found by the social security administration, because of any
 18 action or contingency, to have been lost or been expended for
 19 purposes other than or in amounts in excess of, those found
 20 necessary by the social security administration for the proper
 21 administration of [this chapter](#), it is the policy of this state
 22 that such moneys shall be replaced by moneys appropriated
 23 for such purpose from the general funds of this state to the
 24 unemployment compensation administration fund for expenditure
 25 as provided in [subsection 1 of ~~this section~~](#). Upon receipt of
 26 notice of such a finding by the social security administration,
 27 the department shall promptly report the amount required for
 28 such replacement to the governor and the governor shall at
 29 the earliest opportunity, submit to the legislature a request
 30 for the appropriation of such amount. ~~This subsection shall~~
 31 ~~not be construed to relieve this state of its obligation with~~
 32 ~~respect to funds received prior to July 1, 1941, pursuant to~~
 33 ~~the provisions of Tit. III of the Social Security Act.~~

34 Sec. 20. Section 96.19, subsection 41, unnumbered paragraph
 35 1, Code 2016, is amended to read as follows:

1 ~~"Wages"~~ means all remuneration for personal services,
 2 including commissions and bonuses and the cash value of all
 3 remuneration in any medium other than cash. The reasonable
 4 cash value of remuneration in any medium other than cash, shall
 5 be estimated and determined in accordance with rules prescribed
 6 by the department. ~~Wages payable to an individual for insured~~
 7 ~~work performed prior to January 1, 1941, shall, for the~~
 8 ~~purposes of sections 96.3, 96.4, and this section, be deemed to~~
 9 ~~be wages paid within the calendar quarter with respect to which~~
 10 ~~such wages were payable.~~

11 Sec. 21. Section 96.20, subsection 2, paragraph b, Code
 12 2016, is amended to read as follows:

13 b. Reimbursements so payable shall be deemed to be benefits
 14 for the purposes of section 96.3, subsection 5, paragraph "a",
 15 and section 96.9, but no reimbursement so payable shall be
 16 charged against any employer's account for the purposes of
 17 section 96.7, unless wages so transferred are sufficient to
 18 establish a valid claim in Iowa, and that such charges shall
 19 not exceed the amount that would have been charged on the
 20 basis of a valid claim. The department is hereby authorized
 21 to make to other state or federal agencies and receive from
 22 such other state or federal agencies, reimbursements from
 23 or to the fund, in accordance with arrangements pursuant
 24 to this section. The department shall participate in any
 25 arrangements for the payment of compensation on the basis of
 26 combining an individual's wages and employment covered under
 27 this chapter with the individual's wages and employment covered
 28 under the unemployment compensation laws of other states
 29 which are approved by the United States secretary of labor in
 30 consultation with the state unemployment compensation agencies
 31 as reasonably calculated to assure the prompt and full payment
 32 of compensation in such situations and which include provisions
 33 for applying the base period of a single state law to a claim
 34 involving the combining of an individual's wages and employment
 35 covered under two or more state unemployment compensation laws,

1 and avoiding ~~the~~ duplication in the use of wages and employment
2 by reason of such combining.

3 Sec. 22. Section 97B.49C, subsection 1, paragraph e, Code
4 2016, is amended to read as follows:

5 e. "*Sheriff*" means a county sheriff as ~~defined~~ described in
6 section ~~39.17~~ 331.651.

7 Sec. 23. Section 97B.49G, subsection 7, paragraph a,
8 subparagraph (3), subparagraph division (a), Code 2016, is
9 amended to read as follows:

10 (a) As a county sheriff as ~~defined~~ described in section
11 ~~39.17~~ 331.651.

12 Sec. 24. Section 99.28, Code 2016, is amended to read as
13 follows:

14 **99.28 Certification and payment of mulct tax.**

15 The clerk of said court shall make and certify a return of
16 the imposition of ~~said~~ the mulct tax forthwith to the county
17 auditor, who shall enter the same as a tax upon the property,
18 and against the persons upon which or whom the lien was
19 imposed, as and when the other taxes are entered, and the same
20 shall be and remain a lien on the land upon which such lien
21 was imposed until fully paid. Any such lien imposed while the
22 tax books are in the hands of the auditor shall be immediately
23 entered ~~therein~~ in the tax books. The payment of ~~said the~~
24 mulct tax shall not relieve the persons or property from any
25 other penalties provided by law.

26 Sec. 25. Section 99.29, Code 2016, is amended to read as
27 follows:

28 **99.29 Collection of mulct tax.**

29 The provisions of the law relating to the collection of taxes
30 in this state, the delinquency thereof, and sale of property
31 for taxes shall govern in the collection of the mulct tax
32 herein prescribed in this chapter insofar as ~~the same~~ those
33 provisions are applicable.

34 Sec. 26. Section 99.30, Code 2016, is amended to read as
35 follows:

1 **99.30 Application of mulct tax.**

2 The mulct tax collected shall be applied toward the
 3 deficiency in the payment of costs of the action and abatement
 4 which exist after the application of the proceeds of the sale
 5 of personal property. The remainder of the tax together with
 6 the unexpended portion of the proceeds of the sale of personal
 7 property shall be paid to the treasurer of state for deposit in
 8 the general fund of the state, except that ten percent of the
 9 amount of the whole tax collected and of the whole proceeds of
 10 the sale of the personal property, as provided in this chapter,
 11 shall be paid by the treasurer to the attorney representing the
 12 state in the injunction action, at the time of final judgment.

13 Sec. 27. Section 99.31, Code 2016, is amended to read as
 14 follows:

15 **99.31 ~~Tax~~ Mulct tax assessed.**

16 When such nuisance has been found to exist under any
 17 proceeding in the district court or as in this chapter
 18 provided, and the owner or agent of such building or ground
 19 whereon the ~~same~~ nuisance has been found to exist was not
 20 a party to such proceeding, nor appeared therein, the ~~said~~
 21 mulct tax of three hundred dollars shall, nevertheless, be
 22 imposed against the persons served or appearing and against the
 23 property as set forth in this chapter ~~set forth~~.

24 Sec. 28. Section 99B.3, subsection 4, paragraph b, Code
 25 2016, is amended to read as follows:

26 **b.** If a request for a hearing is timely received by
 27 the department, the applicant or licensee shall be given
 28 an opportunity for a prompt and fair hearing before the
 29 department and the denial, suspension, or revocation shall be
 30 deemed ~~suspended~~ stayed until the department makes a final
 31 determination. However, the director may suspend a license
 32 prior to a hearing if the director finds that the public
 33 integrity of the licensed activity is compromised or there is a
 34 risk to public health, safety, or welfare. In addition, at any
 35 time during or prior to the hearing the department may rescind

1 the notice of the denial, suspension, or revocation upon being
 2 satisfied that the reasons for the denial, suspension, or
 3 revocation have been or will be removed. On the basis of any
 4 such hearing, the determination involved in the notice may be
 5 affirmed, modified, or set aside by the department in a written
 6 decision.

7 Sec. 29. Section 99B.55, subsection 3, paragraph b,
 8 subparagraph (2), Code 2016, is amended to read as follows:

9 (2) If a request for a hearing is timely received by
 10 the department, the applicant or registrant shall be given
 11 an opportunity for a prompt and fair hearing before the
 12 department and the denial, suspension, or revocation shall be
 13 deemed ~~suspended~~ stayed until the department makes a final
 14 determination. However, the director of the department may
 15 suspend a registration prior to a hearing if the director
 16 finds that the public integrity of the registered activity
 17 is compromised or there is a risk to public health, safety,
 18 or welfare. In addition, at any time during or prior to the
 19 hearing, the department may rescind the notice of the denial,
 20 suspension, or revocation upon being satisfied that the reasons
 21 for the denial, suspension, or revocation have been or will
 22 be removed. On the basis of any such hearing, the proposed
 23 action in the notice may be affirmed, modified, or set aside by
 24 the department in a written decision. The procedure governing
 25 hearings authorized by this ~~paragraph~~ subparagraph shall be in
 26 accordance with the rules ~~promulgated~~ adopted by the department
 27 and chapter 17A.

28 Sec. 30. Section 99F.15, subsection 6, paragraph a, Code
 29 2016, is amended to read as follows:

30 a. A person who places, removes, increases, or decreases a
 31 bet after acquiring knowledge of the outcome of the gambling
 32 game which is the subject of the bet or ~~to aid~~ who aids a
 33 person in acquiring the knowledge for the purpose of placing,
 34 removing, increasing, or decreasing a bet contingent on that
 35 outcome commits the offense of unlawful betting.

1 Sec. 31. Section 123.9, subsection 5, Code 2016, is amended
2 to read as follows:

3 5. To grant and issue beer permits, wine permits, special
4 permits, liquor control licenses, and other licenses; and to
5 suspend or revoke all such permits and licenses for cause under
6 this chapter.

7 Sec. 32. Section 123.48, Code 2016, is amended to read as
8 follows:

9 **123.48 Seizure of false or altered driver's license or**
10 **~~nonoperator~~ nonoperator's identification card.**

11 1. If a liquor control licensee or wine or beer permittee
12 or an employee of the licensee or permittee has a reasonable
13 belief based on factual evidence that a driver's license as
14 defined in section 321.1, subsection 20A, or ~~nonoperator~~
15 nonoperator's identification card issued pursuant to section
16 321.190 offered by a person who wishes to purchase an alcoholic
17 beverage at the licensed premises is altered or falsified or
18 belongs to another person, the licensee, permittee, or employee
19 may retain the driver's license or ~~nonoperator~~ nonoperator's
20 identification card. Within twenty-four hours, the license or
21 card shall be delivered to the appropriate city or county law
22 enforcement agency of the jurisdiction in which the licensed
23 premises is located. When the license or card is delivered
24 to the appropriate law enforcement agency, the licensee shall
25 file a written report of the circumstances under which the
26 license or card was retained. The local law enforcement
27 agency may investigate whether a violation of section 321.216,
28 321.216A, or 321.216B has occurred. If an investigation is not
29 initiated or a probable cause is not established by the local
30 law enforcement agency, the driver's license or ~~nonoperator~~
31 nonoperator's identification card shall be delivered to the
32 person to whom it was issued. The local law enforcement
33 agency may forward the license or card with the report to the
34 department of transportation for investigation, in which case,
35 the department may investigate whether a violation of section

1 321.216, 321.216A, or 321.216B has occurred. The department of
 2 transportation shall return the license or card to the person
 3 to whom it was issued if an investigation is not initiated or a
 4 probable cause is not established.

5 2. Upon taking possession of ~~an~~ a driver's license or
 6 nonoperator's identification card as provided in subsection 1,
 7 a receipt for the license or card with the date and hour of
 8 seizure noted shall be provided to the person from whom the
 9 license or card was seized.

10 3. A liquor control licensee or wine or beer permittee or
 11 an employee of the licensee or permittee is not subject to
 12 criminal prosecution for, or to civil liability for damages
 13 alleged to have resulted from, the retention and delivery of a
 14 driver's license or a ~~nonoperator~~ nonoperator's identification
 15 card which is taken pursuant to subsections 1 and 2. This
 16 section shall not be construed to relieve a licensee,
 17 permittee, or employee of the licensee or permittee from civil
 18 liability for damages resulting from the use of unreasonable
 19 force in obtaining the altered or falsified driver's license or
 20 nonoperator's identification card or the driver's license or
 21 nonoperator's identification card believed to belong to another
 22 person.

23 Sec. 33. Section 123.124, Code 2016, is amended to read as
 24 follows:

25 **123.124 Beer permits — classes.**

26 Permits for the manufacture and sale, or sale, of beer shall
 27 be divided into six classes, known as class "A", special class
 28 "A", class "AA", special class "AA", class "B", or class "C"
 29 beer permits. A class "A" beer permit allows the holder to
 30 manufacture and sell beer at wholesale. A holder of a special
 31 class "A" beer permit may only manufacture beer to be consumed
 32 on the licensed premises for which the person also holds a
 33 class "C" liquor control license or class "B" beer permit, to
 34 be sold to a class "A" beer permittee for resale purposes,
 35 and to be sold to distributors outside of the state that are

1 authorized by the laws of that jurisdiction to sell beer at
 2 wholesale. A class "AA" beer permit allows the holder to
 3 manufacture and sell high alcoholic content beer at wholesale.
 4 A holder of a special class "AA" beer permit may only
 5 manufacture high alcoholic content beer to be consumed on the
 6 licensed premises for which the person also holds a class "C"
 7 liquor control license or class "B" beer permit, to be sold to
 8 a class "AA" beer permittee for resale purposes, and to be sold
 9 to distributors outside of the state that are authorized by the
 10 laws of that jurisdiction to sell high alcoholic content beer
 11 at wholesale. A class "B" beer permit allows the holder to
 12 sell beer to consumers at retail for consumption on or off the
 13 premises. A class "C" beer permit allows the holder to sell
 14 beer to consumers at retail for consumption off the premises.

15 Sec. 34. Section 123.127, subsection 1, unnumbered
 16 paragraph 1, Code 2016, is amended to read as follows:

17 A class "A", class "AA", special class "A", or special class
 18 "AA" beer permit shall be issued by the administrator to any
 19 person who:

20 Sec. 35. Section 123.127, subsection 2, Code 2016, is
 21 amended to read as follows:

22 2. An applicant for a special class "A" or special class
 23 "AA" beer permit shall comply with the requirements for a
 24 class "A" or class "AA" beer permit, as applicable, and shall
 25 also state on the application that the applicant holds or has
 26 applied for a class "C" liquor control license or class "B"
 27 beer permit.

28 Sec. 36. Section 123.128, unnumbered paragraph 1, Code
 29 2016, is amended to read as follows:

30 A class "B" beer permit shall be issued by the administrator
 31 to any person who:

32 Sec. 37. Section 123.129, subsection 1, Code 2016, is
 33 amended to read as follows:

34 1. A class "C" beer permit shall not be issued to any person
 35 except the owner or proprietor of a grocery store or pharmacy.

1 Sec. 38. Section 123.129, subsection 2, unnumbered
2 paragraph 1, Code 2016, is amended to read as follows:

3 A class "C" beer permit shall be issued by the administrator
4 to any person who is the owner or proprietor of a grocery store
5 or pharmacy, who:

6 Sec. 39. Section 123.130, Code 2016, is amended to read as
7 follows:

8 **123.130 Authority under class "A", class "AA", special class**
9 **"A", and special class "AA" beer permits.**

10 1. Any person holding a class "A" or class "AA" beer permit
11 issued by the division shall be authorized to manufacture
12 and sell, or sell at wholesale, beer for consumption off the
13 premises, such sales within the state to be made only to
14 persons holding subsisting class "A", "B", or "C" beer permits,
15 or liquor control licenses issued in accordance with the
16 provisions of [this chapter](#). A class "A", class "AA", special
17 class "A", or special class "AA" beer permit does not grant
18 authority to manufacture wine as defined in section 123.3,
19 subsection 47.

20 2. All class "A" and class "AA" premises shall be located
21 within the state. All beer received by the holder of a
22 class "A" or class "AA" beer permit from the holder of a
23 certificate of compliance before being resold must first come
24 to rest on the licensed premises of the permit holder, must be
25 inventoried, and is subject to the barrel tax when resold as
26 provided in [section 123.136](#). A class "A" or class "AA" beer
27 permittee shall not store beer overnight except on premises
28 licensed under a class "A" or class "AA" beer permit.

29 3. All special class "A" and special class "AA" premises
30 shall be located within the state. A person who holds a
31 special class "A" or special class "AA" beer permit for the
32 same location at which the person holds a class "C" liquor
33 control license or class "B" beer permit may manufacture and
34 sell beer to be consumed on the premises, may sell beer to a
35 class "A" or class "AA" beer permittee for resale purposes,

1 and may sell beer to distributors outside of the state that
2 are authorized by the laws of that jurisdiction to sell beer
3 at wholesale.

4 Sec. 40. Section 123.131, Code 2016, is amended to read as
5 follows:

6 **123.131 Authority under class "B" beer permit.**

7 Subject to the provisions of [this chapter](#), any person
8 holding a class "B" beer permit shall be authorized to sell
9 beer for consumption on or off the premises. However, unless
10 otherwise provided in [this chapter](#), no sale of beer shall
11 be made for consumption on the premises unless the place
12 where such service is made is equipped with tables and seats
13 sufficient to accommodate not less than twenty-five persons at
14 one time.

15 Sec. 41. Section 123.132, Code 2016, is amended to read as
16 follows:

17 **123.132 Authority under class "C" beer permit.**

18 1. The holder of a class "C" beer permit shall be allowed
19 to sell beer to consumers at retail for consumption off the
20 premises. The sales made pursuant to [this section](#) shall be
21 made in original containers except as provided in [subsection 2](#).

22 2. Subject to the rules of the division, sales made pursuant
23 to [this section](#) may be made in a container other than the
24 original container only if all of the following requirements
25 are met:

26 *a.* The beer is transferred from the original container to
27 the container to be sold on the licensed premises at the time
28 of sale.

29 *b.* The person transferring the beer from the original
30 container to the container to be sold shall be eighteen years
31 of age or more.

32 *c.* The container to be sold shall be no larger than
33 seventy-two ounces.

34 *d.* The container to be sold shall be securely sealed by a
35 method authorized by the division that is designed so that if

1 the sealed container is reopened or the seal tampered with, it
2 is visibly apparent that the seal on the container of beer has
3 been tampered with or the sealed container has otherwise been
4 reopened.

5 3. A container of beer other than the original container
6 that is sold and sealed in compliance with the requirements of
7 subsection 2 and the division's rules shall not be deemed an
8 open container subject to the requirements of sections 321.284
9 and 321.284A if the sealed container is unopened and the seal
10 has not been tampered with, and the contents of the container
11 have not been partially removed.

12 4. The holder of a class "C" beer permit or the permittee's
13 agents or employees shall not sell beer to other retail license
14 or permit holders knowing or having reasonable cause to believe
15 that the beer will be resold in another licensed establishment.

16 Sec. 42. Section 123.134, subsections 1 and 2, Code 2016,
17 are amended to read as follows:

18 1. The annual permit fee for a class "A" or special class
19 "A" beer permit is two hundred fifty dollars.

20 2. The annual permit fee for a class "AA" or special class
21 "AA" beer permit is five hundred dollars.

22 Sec. 43. Section 123.134, subsection 3, unnumbered
23 paragraph 1, Code 2016, is amended to read as follows:

24 The annual permit fee for a class "B" beer permit shall be
25 graduated according to population as follows:

26 Sec. 44. Section 123.134, subsection 4, unnumbered
27 paragraph 1, Code 2016, is amended to read as follows:

28 The annual permit fee for a class "C" beer permit shall be
29 graduated on the basis of the amount of interior floor space
30 which comprises the retail sales area of the premises covered
31 by the permit, as follows:

32 Sec. 45. Section 123.135, subsections 3, 4, and 5, Code
33 2016, are amended to read as follows:

34 3. All class "A" and class "AA" beer permit holders shall
35 sell only those brands of beer which are manufactured, brewed,

1 bottled, shipped, or imported by a person holding a current
2 certificate of compliance. Any employee or agent working for
3 or representing the holder of a certificate of compliance
4 within this state shall submit electronically, or in a manner
5 prescribed by the administrator, the employee's or agent's name
6 and address with the division.

7 4. It shall be unlawful for any holder of a certificate of
8 compliance or the holder's agent, or any class "A" or class
9 "AA" beer permit holder or the beer permit holder's agent, to
10 grant to any retail beer permit holder, directly or indirectly,
11 any rebates, free goods, or quantity discounts on beer which
12 are not uniformly offered to all retail permittees.

13 5. Notwithstanding any other penalties provided by this
14 chapter, any holder of a certificate of compliance or any class
15 "A" or class "AA" beer permit holder who violates [this chapter](#)
16 or the rules adopted pursuant to [this chapter](#) is subject to a
17 civil penalty not to exceed one thousand dollars or suspension
18 of the holder's certificate or permit for a period not to
19 exceed one year, or both such civil penalty and suspension.
20 Civil penalties imposed under [this section](#) shall be collected
21 and retained by the division.

22 Sec. 46. Section 123.136, subsection 1, Code 2016, is
23 amended to read as follows:

24 1. In addition to the annual permit fee to be paid by all
25 class "A" and class "AA" beer permittees under [this chapter](#)
26 there shall be levied and collected from the permittees on all
27 beer manufactured for sale or sold in this state at wholesale
28 and on all beer imported into this state for sale at wholesale
29 and sold in this state at wholesale, and from special class "A"
30 and special class "AA" beer permittees on all beer manufactured
31 for consumption on the premises, a tax of five and eighty-nine
32 hundredths dollars for every barrel containing thirty-one
33 gallons, and at a like rate for any other quantity or for the
34 fractional part of a barrel. However, no tax shall be levied
35 or collected on beer shipped outside this state by a class "A"

1 or class "AA" beer permittee or sold by one class "A" or class
2 "AA" beer permittee to another class "A" or class "AA" beer
3 permittee.

4 Sec. 47. Section 123.137, subsection 1, Code 2016, is
5 amended to read as follows:

6 1. A person holding a class "A", class "AA", special class
7 "A", or special class "AA" beer permit shall, on or before the
8 tenth day of each calendar month commencing on the tenth day of
9 the calendar month following the month in which the person is
10 issued a beer permit, make a report under oath to the division
11 electronically, or in a manner prescribed by the administrator,
12 showing the exact number of barrels of beer, or fractional
13 parts of barrels, sold by the beer permit holder during
14 the preceding calendar month. The report shall also state
15 information the administrator requires, and beer permit holders
16 shall at the time of filing a report pay to the division the
17 amount of tax due at the rate fixed in [section 123.136](#).

18 Sec. 48. Section 123.138, subsection 1, Code 2016, is
19 amended to read as follows:

20 1. Each class "A", class "AA", special class "A", or special
21 class "AA" beer permittee shall keep proper records showing the
22 amount of beer sold by the permittee, and these records shall
23 be at all times open to inspection by the administrator and to
24 other persons pursuant to [section 123.30, subsection 1](#). Each
25 class "B" beer permittee, class "C" beer permittee, or retail
26 liquor control licensee shall keep proper records showing each
27 purchase of beer made by the permittee or licensee, and the
28 date and the amount of each purchase and the name of the person
29 from whom each purchase was made, which records shall be open
30 to inspection pursuant to [section 123.30, subsection 1](#), during
31 normal business hours of the permittee or licensee.

32 Sec. 49. Section 123.139, Code 2016, is amended to read as
33 follows:

34 123.139 Separate locations — class "A", class "AA", special
35 class "A", special class "AA".

1 A class "A", class "AA", special class "A", or special class
2 "AA" beer permittee having more than one place of business is
3 required to have a separate beer permit for each separate place
4 of business maintained by the permittee where beer is stored,
5 warehoused, or sold.

6 Sec. 50. Section 123.140, Code 2016, is amended to read as
7 follows:

8 **123.140 Separate locations — class "B" or "C".**

9 Every person holding a class "B" or class "C" beer permit
10 having more than one place of business where such beer is sold
11 which places do not constitute a single premises within the
12 meaning of [section 123.3, subsection 25](#) shall be required to
13 have a separate license for each separate place of business,
14 except as otherwise provided by [this chapter](#).

15 Sec. 51. Section 123.141, Code 2016, is amended to read as
16 follows:

17 **123.141 Keeping liquor where beer is sold.**

18 No alcoholic liquor for beverage purposes shall be used,
19 or kept for any purpose in the place of business of class "B"
20 beer permittees, or on the premises of such class "B" beer
21 permittees, at any time. A violation of any provision of
22 this section shall be grounds for suspension or revocation
23 of the beer permit pursuant to section 123.50, subsection
24 3. [This section](#) shall not apply in any manner or in any way
25 to the premises of any hotel or motel for which a class "B"
26 beer permit has been issued, other than that part of such
27 premises regularly used by the hotel or motel for the principal
28 purpose of selling beer or food to the general public; or to
29 drug stores regularly and continuously employing a registered
30 pharmacist, from having alcohol in stock for medicinal and
31 compounding purposes.

32 Sec. 52. Section 123.142, Code 2016, is amended to read as
33 follows:

34 **123.142 Unlawful sale and importation.**

35 1. It is unlawful for the holder of a class "B" or class

1 "C" beer permit issued under [this chapter](#) to sell beer, except
 2 beer brewed on the premises covered by a special class "A"
 3 or special class "AA" beer permit or beer purchased from a
 4 person holding a class "A" or class "AA" beer permit issued in
 5 accordance with [this chapter](#), and on which the tax provided in
 6 section 123.136 has been paid. However, [this section](#) does not
 7 apply to class "D" liquor control licensees as provided in this
 8 chapter.

9 2. It shall be unlawful for any person not holding a class
 10 "A" or class "AA" beer permit to import beer into this state
 11 for the purpose of sale or resale.

12 Sec. 53. Section 123.143, subsection 3, Code 2016, is
 13 amended to read as follows:

14 3. Barrel tax revenues collected on beer manufactured in
 15 this state from a class "A" or class "AA" beer permittee which
 16 owns and operates a brewery located in Iowa shall be credited
 17 to the barrel tax fund hereby created in the office of the
 18 treasurer of state. Moneys deposited in the barrel tax fund
 19 shall not revert to the general fund of the state without a
 20 specific appropriation by the general assembly. Moneys in the
 21 barrel tax fund are appropriated to the economic development
 22 authority for purposes of [section 15E.117](#).

23 Sec. 54. Section 123.144, subsection 1, Code 2016, is
 24 amended to read as follows:

25 1. No person shall bottle beer within the state of Iowa,
 26 except class "A", special class "A", class "AA", and special
 27 class "AA" beer permittees who have complete equipment for
 28 bottling beer and who have received the approval of the local
 29 board of health as to sanitation. It shall be the duty of local
 30 boards of health to inspect the premises and equipment of class
 31 "A", special class "A", class "AA", and special class "AA" beer
 32 permittees who desire to bottle beer.

33 Sec. 55. Section 135.175, subsection 1, paragraph a, Code
 34 2016, is amended to read as follows:

35 a. A health care workforce support initiative is established

1 to provide for the coordination and support of various efforts
 2 to address the health care workforce shortage in this state.
 3 This initiative shall include the medical residency training
 4 state matching grants program created in [section 135.176](#),
 5 ~~the nurse residency state matching grants program created in~~
 6 ~~[section 135.178](#)~~, and the fulfilling Iowa's need for dentists
 7 matching grant program created in [section 135.179](#), ~~the health~~
 8 ~~care professional incentive payment program and Iowa needs~~
 9 ~~nurses now initiative created in sections [261.128](#) and [261.129](#),~~
 10 ~~the safety net provider recruitment and retention initiatives~~
 11 ~~program created in [section 135.153A](#), health care workforce~~
 12 ~~shortage national initiatives, and the physician assistant~~
 13 ~~mental health fellowship program created in [section 135.177](#).~~

14 Sec. 56. Section 135.175, subsection 6, paragraphs a and c,
 15 Code 2016, are amended to read as follows:

16 *a.* Moneys in the fund and the accounts in the fund
 17 shall only be appropriated in a manner consistent with the
 18 principles specified and the strategic plan developed pursuant
 19 to sections [135.163](#) and [135.164](#) to support the medical
 20 residency training state matching grants program, ~~the nurse~~
 21 ~~residency state matching grants program,~~ the fulfilling Iowa's
 22 need for dentists matching grant program, ~~the health care~~
 23 ~~professional incentive payment program, the Iowa needs nurses~~
 24 ~~now initiative, the safety net recruitment and retention~~
 25 ~~initiatives program, for national health care workforce~~
 26 ~~shortage initiatives, for the physician assistant mental health~~
 27 ~~fellowship program, for the purposes of the Iowa needs nurses~~
 28 ~~now infrastructure account,~~ and to provide funding for state
 29 health care workforce shortage programs as provided in this
 30 section.

31 *c.* State appropriations to the fund shall be allocated in
 32 equal amounts to each of the accounts within the fund, unless
 33 otherwise specified in the appropriation or allocation. Any
 34 federal funding received for the purposes of addressing state
 35 health care workforce shortages shall be deposited in the

1 health care workforce shortage national initiatives account,
 2 unless otherwise specified by the source of the funds, and
 3 shall be used as required by the source of the funds. If
 4 use of the federal funding is not designated, ~~twenty-five~~
 5 ~~percent of such funding shall be deposited in the safety net~~
 6 ~~provider network workforce shortage account to be used for the~~
 7 ~~purposes of the account and the remainder of the funds shall~~
 8 be used in accordance with the strategic plan developed by the
 9 department of public health in accordance with sections 135.163
 10 and 135.164, or to address workforce shortages as otherwise
 11 designated by the department of public health. Other sources
 12 of funding shall be deposited in the fund or account and used
 13 as specified by the source of the funding.

14 Sec. 57. Section 135.176, subsection 2, paragraph a,
 15 subparagraph (1), Code 2016, is amended to read as follows:

16 (1) A sponsor shall demonstrate that funds have been
 17 budgeted and will be expended by the sponsor in the amount
 18 required to provide matching funds for each residency position
 19 proposed in the request for state matching funds.

20 Sec. 58. Section 135.185, subsection 1, paragraph b, Code
 21 2016, is amended to read as follows:

22 b. "Facility" means a food establishment as defined in
 23 section 137F.1, a carnival as defined in section 88A.1, a
 24 recreational camp, a youth sports facility, or a sports area
 25 arena.

26 Sec. 59. Section 135C.42, subsection 3, Code 2016, is
 27 amended to read as follows:

28 3. ~~The department shall hold the~~ An informal conference, as
 29 required in this section, shall be held concurrently with any
 30 informal dispute resolution held pursuant to 42 C.F.R. §488.331
 31 for those health care facilities certified under Medicare or
 32 the medical assistance program.

33 Sec. 60. Section 144D.1, subsection 9, Code 2016, is amended
 34 to read as follows:

35 9. "Patient" means an individual who is frail and elderly

1 or who has a chronic, critical medical condition or a terminal
2 illness and for which a physician orders for scope of treatment
3 form is consistent with the individual's goals of care.

4 Sec. 61. Section 153.33, Code 2016, is amended to read as
5 follows:

6 **153.33 Powers of board.**

7 1. Subject to the provisions of **this chapter**, any provision
8 of this subtitle to the contrary notwithstanding, the board
9 shall exercise the following powers:

10 ~~1-~~ a. (1) To initiate investigations of and conduct
11 hearings on all matters or complaints relating to the practice
12 of dentistry, dental hygiene, or dental assisting or pertaining
13 to the enforcement of any provision of **this chapter**, to provide
14 for mediation of disputes between licensees or registrants and
15 their patients when specifically recommended by the board, to
16 revoke or suspend licenses or registrations, or the renewal
17 thereof, issued under this or any prior chapter, to provide for
18 restitution to patients, and to otherwise discipline licensees
19 and registrants.

20 ~~b.~~ (2) Subsequent to an investigation by the board, the
21 board may appoint a disinterested third party to mediate
22 disputes between licensees or registrants and patients.
23 Referral of a matter to mediation shall not preclude the board
24 from taking disciplinary action against the affected licensee
25 or registrant.

26 ~~2-~~ b. To appoint investigators, who shall not be members
27 of the board, to administer and aid in the enforcement of
28 the provisions of law relating to those persons licensed to
29 practice dentistry and dental hygiene, and persons registered
30 as dental assistants. The amount of compensation for the
31 investigators shall be determined pursuant to chapter 8A,
32 subchapter IV. Investigators authorized by the board have the
33 powers and status of peace officers when enforcing **this chapter**
34 and **chapters 147** and **272C**.

35 ~~3-~~ All employees needed to administer **this chapter** except

~~1 the executive director shall be appointed pursuant to the merit
2 system. The executive director shall serve at the pleasure of
3 the board and shall be exempt from the merit system provisions
4 of chapter 8A, subchapter IV.~~

5 4. c. To initiate in its own name or cause to be initiated
6 in a proper court appropriate civil proceedings against any
7 person to enforce the provisions of **this chapter** or this
8 subtitle relating to the practice of dentistry, and the board
9 may have the benefit of counsel in connection therewith. Any
10 such judicial proceeding as may be initiated by the board shall
11 be commenced and prosecuted in the same manner as any other
12 civil action and injunctive relief may be granted therein
13 without proof of actual damage sustained by any person but such
14 injunctive relief shall not relieve the person so enjoined from
15 criminal prosecution by the attorney general or county attorney
16 for violation of any provision of **this chapter** or this subtitle
17 relating to the practice of dentistry.

18 d. To adopt rules regarding infection control in dental
19 practice which are consistent with standards of the federal
20 Occupational Safety and Health Act of 1970, 29 U.S.C. §651 -
21 678, and recommendations of the centers for disease control.

22 e. To promulgate rules as may be necessary to implement the
23 provisions of this chapter.

24 2. All employees needed to administer this chapter except
25 the executive director shall be appointed pursuant to the merit
26 system. The executive director shall serve at the pleasure of
27 the board and shall be exempt from the merit system provisions
28 of chapter 8A, subchapter IV.

29 5. 3. In any investigation made or hearing conducted by the
30 board on its own motion, or upon written complaint filed with
31 the board by any person, pertaining to any alleged violation
32 of **this chapter** or the accusation against any licensee or
33 registrant, the following procedure and rules so far as
34 material to such investigation or hearing shall obtain:

35 a. The accusation of such person against any licensee

1 or registrant shall be reduced to writing, verified by some
2 person familiar with the facts therein stated, and three copies
3 thereof filed with the board.

4 *b.* If the board shall deem the charges sufficient, if true,
5 to warrant suspension or revocation of license or registration,
6 it shall make an order fixing the time and place for hearing
7 thereon and requiring the licensee or registrant to appear
8 and answer thereto, such order, together with a copy of the
9 charges so made to be served upon the accused at least twenty
10 days before the date fixed for hearing, either personally or
11 by certified or registered mail, sent to the licensee's or
12 registrant's last known post office address as shown by the
13 records of the board.

14 *c.* At the time and place fixed in said notice for said
15 hearing, or at any time and place to which the said hearing
16 shall be adjourned, the board shall hear the matter and
17 may take evidence, administer oaths, take the deposition of
18 witnesses, including the person accused, in the manner provided
19 by law in civil cases, compel the appearance of witnesses
20 before it in person the same as in civil cases by subpoena
21 issued over the signature of the chairperson of the board
22 and in the name of the state of Iowa, require answers to
23 interrogatories and compel the production of books, papers,
24 accounts, documents and testimony pertaining to the matter
25 under investigation or relating to the hearing.

26 *d.* In all such investigations and hearings pertaining to
27 the suspension or revocation of licenses or registrations, the
28 board and any person affected thereby may have the benefit of
29 counsel, and upon the request of the licensee or registrant or
30 the licensee's or registrant's counsel the board shall issue
31 subpoenas for the attendance of such witnesses in behalf of the
32 licensee or registrant, which subpoenas when issued shall be
33 delivered to the licensee or registrant or the licensee's or
34 registrant's counsel. Such subpoenas for the attendance of
35 witnesses shall be effective if served upon the person named

1 therein anywhere within this state, provided, that at the time
2 of such service the fees now or hereafter provided by law for
3 witnesses in civil cases in district court shall be paid or
4 tendered to such person.

5 *e.* In case of disobedience of a subpoena lawfully served
6 hereunder, the board or any party to such hearing aggrieved
7 thereby may invoke the aid of the district court in the county
8 where such hearing is being conducted to require the attendance
9 and testimony of such witnesses. Such district court of the
10 county within which the hearing is being conducted may, in
11 case of contumacy or refusal to obey such subpoena, issue an
12 order requiring such person to appear before said board, and if
13 so ordered give evidence touching the matter involved in the
14 hearing. Any failure to obey such order of the court may be
15 punished by such court as a contempt thereof.

16 *f.* If the licensee or registrant pleads guilty, or after
17 hearing shall be found guilty by the board of any of the
18 charges made, it may suspend for a limited period or revoke
19 the license or registration, and the last renewal thereof, and
20 shall enter the order on its records and notify the accused
21 of the revocation or suspension of the person's license or
22 registration, as the case may be, who shall thereupon forthwith
23 surrender that license or registration to the board. Any such
24 person whose license or registration has been so revoked or
25 suspended shall not thereafter and while such revocation or
26 suspension is in force and effect practice dentistry, dental
27 hygiene, or dental assisting within this state.

28 *g.* The findings of fact made by the board acting within
29 its power shall, in the absence of fraud, be conclusive, but
30 the district court shall have power to review questions of law
31 involved in any final decision or determination of the board;
32 provided, that application is made by the aggrieved party
33 within thirty days after such determination by certiorari,
34 mandamus or such other method of review or appeal permitted
35 under the laws of this state, and to make such further orders

1 in respect thereto as justice may require.

2 *h.* Pending the review and final disposition thereof by the
3 district court, the action of the board suspending or revoking
4 such license or registration shall not be stayed.

5 ~~6. To adopt rules regarding infection control in dental~~
6 ~~practice which are consistent with standards of the federal~~
7 ~~Occupational Safety and Health Act of 1970, 29 U.S.C. §651—~~
8 ~~678, and recommendations of the centers for disease control.~~

9 ~~7.~~ 4. An inspector may be appointed by the dental board
10 pursuant to the provisions of [chapter 8A, subchapter IV](#).

11 ~~8. To promulgate rules as may be necessary to implement the~~
12 ~~provisions of [this chapter](#).~~

13 Sec. 62. Section 192.110, subsection 1, Code 2016, is
14 amended to read as follows:

15 1. The person has a pasteurized milk and milk products
16 sanitation compliance rating of ninety percent or more as
17 calculated according to the rating system as contained in
18 rules adopted by the department incorporating or incorporating
19 by reference the federal publications entitled "Procedures
20 Governing the Cooperative State-Public Health Service/Food
21 and Drug Administration Program ~~for Certification of the~~
22 National Conference on Interstate Milk Shipments" and "Methods
23 of Making Sanitation Ratings of Milk Shippers". A copy of
24 each publication shall be on file with the department or in
25 the office of the person subject to an inspection contract as
26 provided in [section 192.108](#).

27 Sec. 63. Section 192.118, subsection 1, Code 2016, is
28 amended to read as follows:

29 1. To ~~insure~~ ensure uniformity in the tests and reporting,
30 an employee certified by the United States public health
31 service of the bacteriological laboratory of the department
32 shall annually certify, in accordance with rules adopted by
33 the department incorporating or incorporating by reference the
34 federal publication entitled "Evaluation of Milk Laboratories",
35 all laboratories doing work in the sanitary quality of

1 milk and dairy products for public report. The approval by
2 the department shall be based on the evaluation of these
3 laboratories as to personnel training, laboratory methods
4 used, and reporting. The results on tests made by approved
5 laboratories shall be reported to the department on request,
6 on forms prescribed by the secretary of agriculture, and such
7 reports may be used by the department.

8 Sec. 64. Section 206.2, subsection 24, Code 2016, is amended
9 by striking the subsection.

10 Sec. 65. Section 218.95, subsection 1, paragraph h, Code
11 2016, is amended by striking the paragraph.

12 Sec. 66. Section 222.6, Code 2016, is amended to read as
13 follows:

14 **222.6 State districts.**

15 The administrator shall divide the state into two districts
16 in such manner that one of the resource centers shall be
17 located within each of the districts. Such districts may
18 from time to time be changed. After such districts have been
19 established, the administrator shall notify all boards of
20 supervisors, regional administrators ~~of the mental health and~~
21 ~~disability services regions~~, and clerks of the district courts
22 of the action. Thereafter, unless the administrator otherwise
23 orders, all admissions of persons with an intellectual
24 disability from a district shall be to the resource center
25 located within such district.

26 Sec. 67. Section 222.12, subsection 2, Code 2016, is amended
27 to read as follows:

28 2. Notice of the death of the patient, and the cause
29 of death, shall be sent to the regional administrator ~~of~~
30 ~~the mental health and disability services region of~~ for the
31 patient's county of residence. The fact of death with the
32 time, place, and alleged cause shall be entered upon the docket
33 of the court.

34 Sec. 68. Section 225.10, unnumbered paragraph 1, Code 2016,
35 is amended to read as follows:

1 Persons suffering from mental diseases may be admitted to
2 the state psychiatric hospital as voluntary public patients
3 if a physician authorized to practice medicine or osteopathic
4 medicine in the state of Iowa files information with the
5 regional administrator ~~of~~ for the person's county of residence,
6 stating all of the following:

7 Sec. 69. Section 225.13, Code 2016, is amended to read as
8 follows:

9 **225.13 Financial condition.**

10 The regional administrator ~~of~~ for the county of residence
11 of a person being admitted to the state psychiatric hospital
12 is responsible for investigating the financial condition of
13 the person and of those legally responsible for the person's
14 support.

15 Sec. 70. Section 225.15, subsection 2, Code 2016, is amended
16 to read as follows:

17 2. A proper and competent nurse shall also be assigned to
18 look after and care for the respondent during observation,
19 treatment, and care. Observation, treatment, and hospital
20 care under **this section** which are payable in whole or in part
21 by a county shall only be provided as determined through the
22 regional administrator ~~of~~ for the respondent's county of
23 residence.

24 Sec. 71. Section 225.17, subsection 2, Code 2016, is amended
25 to read as follows:

26 2. When the respondent arrives at the hospital, the
27 respondent shall receive the same treatment as is provided for
28 committed public patients in **section 225.15**, in compliance with
29 sections 229.13 to 229.16. However, observation, treatment,
30 and hospital care under **this section** of a respondent whose
31 expenses are payable in whole or in part by a county shall only
32 be provided as determined through the regional administrator ~~of~~
33 for the respondent's county of residence.

34 Sec. 72. Section 225C.14, subsection 1, Code 2016, is
35 amended to read as follows:

1 1. Except in cases of medical emergency, a person shall be
2 admitted to a state mental health institute as an inpatient
3 only after a preliminary diagnostic evaluation performed
4 through the regional administrator ~~of~~ for the person's county
5 of residence has confirmed that the admission is appropriate
6 to the person's mental health needs, and that no suitable
7 alternative method of providing the needed services in a less
8 restrictive setting or in or nearer to the person's home
9 community is currently available. If provided for through the
10 regional administrator, the evaluation may be performed by a
11 community mental health center or by an alternative diagnostic
12 facility. The policy established by [this section](#) shall be
13 implemented in the manner and to the extent prescribed by
14 sections 225C.15, [225C.16](#), and [225C.17](#).

15 Sec. 73. Section 225C.16, subsection 2, Code 2016, is
16 amended to read as follows:

17 2. The clerk of the district court in that county shall
18 refer a person applying for authorization for voluntary
19 admission, or for authorization for voluntary admission of
20 another person, in accordance with [section 229.42](#), to the
21 regional administrator ~~of~~ for the person's county of residence
22 under [section 225C.14](#) for the preliminary diagnostic evaluation
23 unless the applicant furnishes a written statement from the
24 appropriate entity which indicates that the evaluation has been
25 performed and that the person's admission to a state mental
26 health institute is appropriate. [This subsection](#) does not
27 apply when authorization for voluntary admission is sought
28 under circumstances which, in the opinion of the chief medical
29 officer or that officer's physician designee, constitute a
30 medical emergency.

31 Sec. 74. Section 225C.19A, Code 2016, is amended to read as
32 follows:

33 **225C.19A Crisis stabilization programs.**

34 The department shall accredit, certify, or apply standards
35 of review to authorize the operation of crisis stabilization

1 programs, including crisis stabilization programs operating
 2 in a psychiatric medical institution for children pursuant
 3 to [chapter 135H](#) that provide children with mental health,
 4 substance abuse, and co-occurring mental health and substance
 5 abuse services. In authorizing the operation of a crisis
 6 stabilization program, the department shall apply the
 7 relevant requirements for an emergency mental health crisis
 8 services provider and system under [section 225C.19](#). A program
 9 authorized to operate under [this section](#) is not required to
 10 be licensed under [chapter 135B](#), [135C](#), ~~or 135G~~, or 135H, or
 11 certified under [chapter 231C](#). The commission shall adopt
 12 rules to implement [this section](#). The department shall accept
 13 accreditation of a crisis stabilization program by a national
 14 accrediting organization in lieu of applying the rules adopted
 15 in accordance with [this section](#) to the program.

16 Sec. 75. Section 226.9C, subsection 2, paragraph c, Code
 17 2016, is amended to read as follows:

18 c. (1) Prior to an individual's admission for dual
 19 diagnosis treatment, the individual shall have been
 20 prescreened. The person performing the prescreening shall be
 21 either the mental health professional, as defined in section
 22 228.1, who is contracting with the regional administrator for
 23 the county's mental health and disability services region to
 24 provide the prescreening or a mental health professional with
 25 the requisite qualifications. A mental health professional
 26 with the requisite qualifications shall meet all of the
 27 following qualifications: ~~is~~

28 (a) Is a mental health professional as defined in section
 29 ~~228.1, is.~~

30 (b) Is an alcohol and drug counselor certified by the
 31 nongovernmental Iowa board of substance abuse certification,
 32 ~~and is.~~

33 (c) Is employed by or providing services for a facility, as
 34 defined in [section 125.2](#).

35 (2) Prior to an individual's admission for dual diagnosis

1 treatment, the individual shall have been screened through a
2 ~~county's~~ the regional administrator for the county to determine
3 the appropriateness of the treatment.

4 Sec. 76. Section 227.1, subsection 2, Code 2016, is amended
5 to read as follows:

6 2. The regulatory requirements for county and private
7 institutions where persons with mental illness or an
8 intellectual disability are admitted, committed, or placed
9 shall be ~~under the supervision of~~ administered by the
10 administrator.

11 Sec. 77. Section 228.1, subsection 6, paragraph b, Code
12 2016, is amended to read as follows:

13 b. The individual holds a current Iowa license if
14 practicing in a field covered by an Iowa licensure law and is
15 a psychiatrist, an advanced registered nurse practitioner who
16 holds a national certification in psychiatric mental health
17 care and is licensed by the board of nursing, a physician
18 assistant practicing under the supervision of a psychiatrist,
19 or an individual who holds a doctorate degree in psychology and
20 is licensed by the board of psychology.

21 Sec. 78. Section 229.13, subsection 1, paragraph a, Code
22 2016, is amended to read as follows:

23 a. The court shall order a respondent whose expenses are
24 payable in whole or in part by a mental health and disability
25 services region placed under the care of an appropriate
26 hospital or facility designated through the ~~county's~~ regional
27 administrator for the county on an inpatient or outpatient
28 basis.

29 Sec. 79. Section 229.14, subsection 2, paragraph a, Code
30 2016, is amended to read as follows:

31 a. For a respondent whose expenses are payable in whole
32 or in part by a mental health and disability services region,
33 placement as designated through the ~~county's~~ regional
34 administrator for the county in the care of an appropriate
35 hospital or facility on an inpatient or outpatient basis, or

1 other appropriate treatment, or in an appropriate alternative
2 placement.

3 Sec. 80. Section 229.14A, subsections 7 and 9, Code 2016,
4 are amended to read as follows:

5 7. If a respondent's expenses are payable in whole or in
6 part by a mental health and disability services region through
7 the ~~county's~~ regional administrator for the county, notice of
8 a placement hearing shall be provided to the county attorney
9 and the regional administrator. At the hearing, the county may
10 present evidence regarding appropriate placement.

11 9. A placement made pursuant to an order entered under
12 section 229.13 or 229.14 or this section shall be considered
13 to be authorized through the ~~county's~~ regional administrator
14 for the county.

15 Sec. 81. Section 230.1, subsection 3, Code 2016, is amended
16 to read as follows:

17 3. A mental health and disability services region or county
18 of residence is not liable for costs and expenses associated
19 with a person with mental illness unless the costs and expenses
20 are for services and other support authorized for the person
21 through the ~~county's~~ regional administrator for the county.
22 For the purposes of this chapter, "regional administrator" means
23 the same as defined in section 331.388.

24 Sec. 82. Section 230.3, Code 2016, is amended to read as
25 follows:

26 **230.3 Certification of residence.**

27 If a person's county of residence is determined by the
28 ~~county's~~ regional administrator for a county to be in another
29 county of this state, the regional administrator making
30 the determination shall certify the determination to the
31 superintendent of the hospital to which the person is admitted
32 or committed. The certification shall be accompanied by a copy
33 of the evidence supporting the determination. Upon receiving
34 the certification, the superintendent shall charge the expenses
35 already incurred and unadjusted, and all future expenses of

1 the person, to the regional administrator ~~of~~ for the county
2 determined to be the county of residence.

3 Sec. 83. Section 232.2, subsection 4, paragraph f,
4 subparagraph (3), Code 2016, is amended to read as follows:

5 (3) The transition plan shall be developed and reviewed
6 by the department in collaboration with a child-centered
7 transition team. The transition team shall be comprised of
8 the child's caseworker and persons selected by the child,
9 persons who have knowledge of services available to the child,
10 and any person who may reasonably be expected to be a service
11 provider for the child when the child becomes an adult or to
12 become responsible for the costs of services at that time.
13 If the child is reasonably likely to need or be eligible for
14 adult services, the transition team membership shall include
15 representatives from the adult services system. The adult
16 services system representatives may include but are not limited
17 to the administrator of county general relief under [chapter 251](#)
18 or [252](#) or the regional administrator of the ~~county~~ county's
19 mental health and disability services region, as defined in
20 section 331.388. The membership of the transition team and
21 the meeting dates for the team shall be documented in the
22 transition plan.

23 Sec. 84. Section 234.6, Code 2016, is amended to read as
24 follows:

25 **234.6 Powers and duties of the administrator.**

26 1. The administrator shall be vested with the authority to
27 administer the family investment program, state supplementary
28 assistance, food programs, child welfare, and emergency relief,
29 family and adult service programs, and any other form of public
30 welfare assistance and institutions that are placed under
31 the administrator's administration. The administrator shall
32 perform duties, formulate and adopt rules as may be necessary;
33 shall outline policies, dictate procedure, and delegate
34 such powers as may be necessary for competent and efficient
35 administration. Subject to restrictions that may be imposed

1 by the director of human services and the council on human
2 services, the administrator may abolish, alter, consolidate,
3 or establish subdivisions and may abolish or change offices
4 previously created. The administrator may employ necessary
5 personnel and fix their compensation; may allocate or
6 reallocate functions and duties among any subdivisions now
7 existing or later established; and may adopt rules relating
8 to the employment of personnel and the allocation of their
9 functions and duties among the various subdivisions as
10 competent and efficient administration may require. The
11 administrator shall:

12 ~~1-~~ a. Cooperate with the social security administration
13 created by the Social Security Act and codified at 42 U.S.C.
14 §901, or other agency of the federal government for public
15 welfare assistance, in such reasonable manner as may be
16 necessary to qualify for federal aid, including the making of
17 such reports in such form and containing such information as
18 the social security administration, from time to time, may
19 require, and to comply with such regulations as such social
20 security administration, from time to time, may find necessary
21 to assure the correctness and verification of such reports.

22 ~~2-~~ b. Furnish information to acquaint the public generally
23 with the operation of the Acts under the jurisdiction of the
24 administrator.

25 ~~3-~~ c. With the approval of the director of human services,
26 the governor, the director of the department of management,
27 and the director of the department of administrative services,
28 set up from the funds under the administrator's control and
29 management an administrative fund and from the administrative
30 fund pay the expenses of operating the division.

31 ~~4-~~ d. Notwithstanding any provisions to the contrary
32 in [chapter 239B](#) relating to the consideration of income and
33 resources of claimants for assistance, the administrator, with
34 the consent and approval of the director of human services and
35 the council on human services, shall make such rules as may be

1 necessary to qualify for federal aid in the assistance programs
2 administered by the administrator.

3 ~~5. The department of human services shall have the power~~
4 ~~and authority to use the funds available to it, to purchase~~
5 ~~services of all kinds from public or private agencies to~~
6 ~~provide for the needs of children, including but not limited to~~
7 ~~psychiatric services, supervision, specialized group, foster~~
8 ~~homes and institutional care.~~

9 6. e. Have authority to use funds available to the
10 department, subject to any limitations placed on the use
11 thereof by the legislation appropriating the funds, to provide
12 to or purchase, for families and individuals eligible therefor,
13 services including but not limited to the following:

14 ~~a.~~ (1) Child care for children or adult day services,
15 in facilities which are licensed or are approved as meeting
16 standards for licensure.

17 ~~b.~~ (2) Foster care, including foster family care, group
18 homes and institutions.

19 ~~c.~~ (3) Family-centered services, as defined in section
20 232.102, subsection 10, paragraph "b".

21 ~~d.~~ (4) Family planning.

22 ~~e.~~ (5) Protective services.

23 ~~f.~~ (6) Services or support provided to a child with an
24 intellectual disability or other developmental disability or
25 to the child's family.

26 ~~g.~~ (7) Transportation services.

27 ~~h.~~ (8) Any services, not otherwise enumerated in this
28 ~~subsection~~ paragraph "e", authorized by or pursuant to the
29 United States Social Security Act of 1934, as amended.

30 ~~7. f.~~ Administer the food programs authorized by federal
31 law, and recommend rules necessary in the administration of
32 those programs to the director for promulgation pursuant to
33 chapter 17A.

34 ~~8. g.~~ Provide consulting and technical services to the
35 director of the department of education, or the director's

1 designee, upon request, relating to prekindergarten,
2 kindergarten, and before and after school programming and
3 facilities.

4 ~~9.~~ h. Recommend rules for their adoption by the council on
5 human services for before and after school child care programs,
6 conducted within and by or contracted for by school districts,
7 that are appropriate for the ages of the children who receive
8 services under the programs.

9 2. The department of human services shall have the power
10 and authority to use the funds available to it, to purchase
11 services of all kinds from public or private agencies to
12 provide for the needs of children, including but not limited to
13 psychiatric services, supervision, specialized group, foster
14 homes, and institutional care.

15 ~~10.~~ 3. In determining the reimbursement rate for services
16 purchased by the department of human services from a person
17 or agency, the department shall not include private moneys
18 contributed to the person or agency unless the moneys are
19 contributed for services provided to a specific individual.

20 Sec. 85. Section 249K.2, subsection 3, Code 2016, is amended
21 to read as follows:

22 3. "*Iowa Medicaid enterprise*" means Iowa Medicaid enterprise
23 as defined in [section ~~135.154~~ 135D.2](#).

24 Sec. 86. Section 257.42, Code 2016, is amended to read as
25 follows:

26 **257.42 Gifted and talented children.**

27 1. Boards of school districts, individually or jointly
28 with the boards of other school districts, shall annually
29 submit program plans for gifted and talented children programs
30 and budget costs to the department of education and to the
31 applicable gifted and talented children advisory council, if
32 an advisory council has been established, as provided in this
33 chapter.

34 2. The parent or guardian of a pupil may request that a
35 gifted and talented children program be established for pupils

1 who qualify as gifted and talented children under section
2 257.44, including demonstrated achievement or potential ability
3 in a single subject area.

4 3. The department of education shall employ one full-time
5 qualified staff member or consultant for gifted and talented
6 children programs.

7 4. The department of education shall adopt rules under
8 chapter 17A relating to the administration of this section
9 and sections 257.42 257.43 through 257.49. The rules shall
10 prescribe the format of program plans submitted under section
11 257.43 and shall require that programs fulfill specified
12 objectives. The department shall encourage and assist school
13 districts to provide programs for gifted and talented children.

14 5. The department of education may request that the staff
15 of the auditor of state conduct an independent program audit
16 to verify that the gifted and talented programs conform to a
17 district's program plans.

18 Sec. 87. Section 261.113, subsections 2 and 7, Code 2016,
19 are amended to read as follows:

20 *2. Eligibility.* An individual is eligible to apply to enter
21 into a program agreement with the commission if the individual
22 is enrolled full-time in and receives a recommendation
23 from the state university of Iowa college of medicine or
24 Des Moines university — osteopathic medical center in a
25 curriculum leading to a doctor of medicine degree or a doctor
26 of ~~osteopathy~~ osteopathic medicine degree.

27 *7. Rules for additional loan repayment.* The commission
28 shall adopt rules to provide, in addition to loan repayment
29 provided to eligible students pursuant to this section and
30 subject to the availability of surplus funds, loan repayment
31 to a physician who received a doctor of medicine or ~~osteopathy~~
32 doctor of osteopathic medicine degree from an eligible
33 university as provided in subsection 2, obtained a license
34 to practice medicine and surgery or osteopathic medicine and
35 surgery in this state, completed the physician's residency

1 program requirement with an Iowa-based residency program, and
2 is engaged in the full-time practice of medicine and surgery
3 or osteopathic medicine and surgery as specified in subsection
4 3, paragraph "d".

5 Sec. 88. Section 261.113, subsection 3, unnumbered
6 paragraph 1, Code 2016, is amended to read as follows:

7 A program agreement shall be entered into by an eligible
8 student and the commission during the eligible student's final
9 year of study leading to a doctor of medicine or ~~osteopathy~~
10 doctor of osteopathic medicine degree. Under the agreement, to
11 receive loan repayments pursuant to [subsection 5](#), an eligible
12 student shall agree to and shall fulfill all of the following
13 requirements:

14 Sec. 89. Section 261.113, subsection 3, paragraph a, Code
15 2016, is amended to read as follows:

16 a. Receive a doctor of medicine or ~~osteopathy~~ doctor of
17 osteopathic medicine degree from an eligible university and
18 apply for, enter, and complete a residency program approved by
19 the commission.

20 Sec. 90. Section 261G.4, subsection 2, Code 2016, is amended
21 to read as follows:

22 2. Notwithstanding any other provision of law to the
23 contrary, a participating resident institution shall be
24 required to register under [chapter 261B](#) or to comply with the
25 registration and disclosure requirements of [chapter 261](#) or [261B](#)
26 or [section 714.17](#), [subsections 2 and 3](#), or sections [714.18](#),
27 [714.20](#), [714.21](#), and [714.23](#), or section [714.24](#), subsections 1,
28 2, 3, 4, and 5, or [section 714.25](#), if the provisions of the
29 interstate reciprocity agreement require such registration or
30 compliance.

31 Sec. 91. Section 275.1, subsection 3, Code 2016, is amended
32 to read as follows:

33 3. If a district is attached, division of assets and
34 liabilities shall be made as provided in sections 275.29 ~~to~~
35 through 275.31. The area education agency boards shall develop

1 detailed studies and surveys of the school districts within
2 the area education agency and all adjacent territory for the
3 purpose of providing for reorganization of school districts in
4 order to effect more economical operation and the attainment
5 of higher standards of education in the schools. The plans
6 shall be revised periodically to reflect reorganizations which
7 may have taken place in the area education agency and adjacent
8 territory.

9 Sec. 92. Section 275.28, Code 2016, is amended to read as
10 follows:

11 **275.28 Plan of division of assets and liabilities.**

12 In addition to setting up the territory to comprise the
13 reorganized districts, a reorganization petition shall provide
14 for a division of assets and liabilities of the districts
15 affected among the reorganized districts. However, if
16 territory is excluded from the reorganized district by the
17 petition or by the area education agency board of directors,
18 the division of all assets and liabilities shall be made under
19 the provisions of [sections 275.29 to through 275.31](#).

20 Sec. 93. Section 307.24, subsection 5, unnumbered paragraph
21 1, Code 2016, is amended to read as follows:

22 Construct, reconstruct, improve, and maintain state
23 institutional roads and state park roads which are part of the
24 state park, state institution, and other state land road system
25 as defined in [section 306.3](#), and bridges on such roads, roads
26 located on state fairgrounds as ~~defined~~ described in chapter
27 173, and the roads and bridges located on property of community
28 colleges as defined in [section 260C.2](#), upon the request of the
29 state board, department, or commission which has jurisdiction
30 over such roads. This shall be done in such manner as may be
31 agreed upon by the state transportation commission and the
32 state board, department, or commission which has jurisdiction.
33 The commission may contract with any county or municipality for
34 the construction, reconstruction, improvement, or maintenance
35 of such roads and bridges. Any state park road which is an

1 extension of either a primary or secondary highway which both
 2 enters and exits from a state park at separate points shall
 3 be constructed, reconstructed, improved, and maintained as
 4 provided in [section 306.4](#). Funds allocated from the road
 5 use tax fund for the purposes of [this subsection](#) shall be
 6 apportioned in the following manner and amounts:

7 Sec. 94. Section 307.46, subsection 2, Code 2016, is amended
 8 to read as follows:

9 2. On or before June 30 of the fiscal year following the
 10 fiscal year in which funds were encumbered under [this section](#),
 11 the department shall report to the joint transportation,
 12 infrastructure, and capitals appropriations subcommittee, the
 13 legislative services agency, the department of management, the
 14 general assembly's standing committees on government oversight,
 15 and the legislative fiscal ~~and oversight committees~~ committee
 16 of the legislative council detailing how the moneys were
 17 expended. Moneys shall not be encumbered under [this section](#)
 18 from an appropriation which received a transfer from another
 19 appropriation pursuant to [section 8.39](#).

20 Sec. 95. Section 307A.2, subsection 4, Code 2016, is amended
 21 to read as follows:

22 4. The Adopt rules pursuant to chapter 17A establishing the
 23 criteria to be used by the commission for allocating funds as a
 24 result of any long-range planning process ~~shall be adopted in~~
 25 ~~accordance with the provisions of~~ [chapter 17A](#). The commission
 26 shall adopt such rules and regulations in accordance with the
 27 provisions of [chapter 17A](#) as it may deem necessary to transact
 28 its business and for the administration and exercise of its
 29 powers and duties.

30 Sec. 96. Section 310.28, Code 2016, is amended to read as
 31 follows:

32 **310.28 Engineering and other expense.**

33 1. Engineering, inspection and administration expense in
 34 connection with any farm-to-market road project may be paid
 35 from ~~said~~ the county's allotment of the farm-to-market road

1 fund. Any such expense incurred by the department may in the
2 first instance be advanced out of the primary road fund, ~~said~~
3 and such expense amounts later being shall later be reimbursed
4 to ~~said funds~~ the primary road fund out of the farm-to-market
5 road fund.

6 2. ~~Provided, that no~~ No part of the salary or expense of the
7 county engineer, any member of the county board of supervisors,
8 any member of the department, the chief engineer, or any
9 department head or district engineer of the department shall be
10 paid out of the farm-to-market road fund.

11 Sec. 97. Section 313.2, subsection 3, Code 2016, is amended
12 to read as follows:

13 3. The department may, for the purpose of affording access
14 to cities or state parks, or for the purpose of shortening
15 the direct line of travel on important routes, or to effect
16 connections with interstate roads at the state line, add such
17 road or roads to the primary road system.

18 Sec. 98. Section 313.12, Code 2016, is amended to read as
19 follows:

20 **313.12 Supervision and inspection.**

21 The department is expressly charged with the duty of
22 supervision, inspection and direction of the work of
23 construction of primary roads on behalf of the state, and
24 of supervising the expenditure of all funds paid on account
25 of such work by the state or the county on the primary road
26 system and it shall do and perform all other matters and
27 things necessary to the faithful completion of the work herein
28 authorized.

29 Sec. 99. Section 313.64, Code 2016, is amended to read as
30 follows:

31 **313.64 Financial statement annually.**

32 1. If the department accepts the offer of any bridge over a
33 boundary stream and enters into a written agreement in relation
34 to the bridge as provided in sections 313.59 to through 313.63,
35 this section, and section 313.65, the owner or operator of the

1 bridge shall thereafter and until all indebtedness or other
 2 obligations against the bridge have been paid and discharged
 3 annually file with the department a sworn statement of its
 4 financial condition. The statement shall show funds on
 5 hand and indebtedness at the beginning and end of the year,
 6 receipts, disbursements, indebtedness retired during the year
 7 and any other information required by the department to show
 8 the true and complete condition of the finances with respect to
 9 the bridge and bridge approaches.

10 2. The annual budget of authorized operating and other
 11 expenditures for or on behalf of such bridge and approaches
 12 shall be approved by the department before becoming effective.
 13 Expenditures during the year shall not exceed the approved
 14 budget unless an increase in the annual budget be likewise
 15 approved by the department.

16 Sec. 100. Section 313.65, unnumbered paragraph 1, Code
 17 2016, is amended to read as follows:

18 Before any bridge owned by any individual or private
 19 corporation shall be accepted by the department under the
 20 provisions of sections 313.59 to through 313.64, the proposal
 21 and acceptance shall first be approved by the following
 22 tax levying and tax certifying bodies located in the tax
 23 district:

24 Sec. 101. Section 321.1, subsections 1A and 20A, Code 2016,
 25 are amended to read as follows:

26 1A. "*Air bag*" ~~or "*airbag*"~~ means a motor vehicle inflatable
 27 occupant restraint system that operates in the event of a crash
 28 and is designed in accordance with federal motor vehicle safety
 29 standards for the specific make, model, and year of the motor
 30 vehicle in which it is or will be installed. "*Air bag*" includes
 31 all component parts to a motor vehicle inflatable occupant
 32 restraint system, including but not limited to the cover,
 33 sensors, controllers, inflators, wiring, and seat belt systems.

34 20A. "*Driver's license*" means any license or permit issued
 35 to a person to operate a motor vehicle on the highways of this

1 state, including but not limited to a temporary restricted or
 2 temporary license and an instruction, chauffeur's instruction,
 3 commercial learner's ~~permit~~, or temporary permit. For purposes
 4 of license suspension, revocation, bar, disqualification,
 5 cancellation, or denial under [this chapter](#) and chapters [321A](#),
 6 [321C](#), and [321J](#), "driver's license" includes any privilege to
 7 operate a motor vehicle.

8 Sec. 102. Section 321.12, subsection 1, Code 2016, is
 9 amended to read as follows:

10 1. The director may destroy any records of the department
 11 which have been maintained on file for three years and which
 12 the director deems obsolete and of no further service in
 13 carrying out the powers and duties of the department, except as
 14 otherwise provided in [this section](#).

15 Sec. 103. Section 321.69, subsection 10, paragraph a, Code
 16 2016, is amended to read as follows:

17 a. A person shall not sell, lease, or trade a motor vehicle
 18 if the person knows or reasonably should know that the motor
 19 vehicle contains a nonoperative ~~airbag~~ air bag that is part
 20 of an inflatable restraint system, or that the motor vehicle
 21 has had an ~~airbag~~ air bag removed and not replaced, unless
 22 the person clearly discloses, in writing, to the person to
 23 whom the person is selling, leasing, or trading the vehicle,
 24 prior to the sale, lease, or trade, that the ~~airbag~~ air bag
 25 is missing or nonoperative. In addition, a lessee who has
 26 executed a lease as defined in [section 321F.1](#) shall provide the
 27 disclosure statement required in [this subsection](#) to the lessor
 28 upon termination of the lease.

29 Sec. 104. Section 321G.1, subsection 10, Code 2016, is
 30 amended by striking the subsection.

31 Sec. 105. Section 321H.2, subsection 4, Code 2016, is
 32 amended to read as follows:

33 4. "*National motor vehicle title information system*" means
 34 the federally mandated motor vehicle title history database
 35 established pursuant to 49 U.S.C. §30502 and maintained by the

1 United States department of justice that links the states'
2 motor vehicle title records, including the department's title
3 records, and that requires the reporting of junk and salvage
4 motor vehicles in order to ensure that states, law enforcement
5 agencies, insurers, and consumers have access to information
6 that enables the verification of a vehicle's history, and the
7 accuracy and legality of a motor vehicle's title, before a
8 purchase or title transfer occurs.

9 Sec. 106. Section 321I.1, subsection 11, Code 2016, is
10 amended by striking the subsection.

11 Sec. 107. Section 321M.1, subsections 2, 4, and 8, Code
12 2016, are amended to read as follows:

13 2. "*County issuance*" means the system or process of issuing
14 driver's licenses, ~~nonoperator~~ nonoperator's identification
15 cards, and persons with disabilities identification devices,
16 including all related testing, to the same extent that such
17 items are issued by the department.

18 4. "*Digitized photolicensing equipment*" means the machines
19 and related materials, obtained pursuant to contract, the use
20 of which results in the on-site production of driver's licenses
21 and ~~nonoperator~~ nonoperator's identification cards.

22 8. "~~Nonoperator~~ Nonoperator's identification card" means
23 the card issued pursuant to [section 321.190](#) that contains
24 information pertaining to the personal characteristics of the
25 applicant but does not convey to the person issued the card any
26 operating privileges for any motor vehicle.

27 Sec. 108. Section 321M.2, Code 2016, is amended to read as
28 follows:

29 **321M.2 Relation to other laws.**

30 Notwithstanding provisions of [chapter 321](#) or [321L](#) that grant
31 sole authority to the department for the issuance of driver's
32 licenses, ~~nonoperator~~ nonoperator's identification cards, and
33 persons with disabilities identification devices, certain
34 counties shall be authorized to issue driver's licenses,
35 ~~nonoperator~~ nonoperator's identification cards, and persons

1 with disabilities identification devices, according to the
2 requirements of [this chapter](#).

3 Sec. 109. Section 321M.3, Code 2016, is amended to read as
4 follows:

5 **321M.3 Authorization to issue licenses.**

6 Adair, Adams, Allamakee, Appanoose, Audubon, Benton,
7 Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun,
8 Cass, Cedar, Cherokee, Chickasaw, Clarke, Clayton, Crawford,
9 Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette,
10 Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton,
11 Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida,
12 Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth,
13 Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills,
14 Mitchell, Monona, Monroe, Montgomery, O'Brien, Osceola,
15 Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold,
16 Sac, Shelby, Sioux, Tama, Taylor, Union, Van Buren, Warren,
17 Washington, Wayne, Winnebago, Winneshiek, Worth, and Wright
18 counties shall be authorized to issue driver's licenses,
19 ~~nonoperator~~ nonoperator's identification cards, and persons
20 with disabilities identification devices on a permanent basis,
21 provided that such counties continue to meet the department's
22 standards for issuance.

23 Sec. 110. Section 321M.4, Code 2016, is amended to read as
24 follows:

25 **321M.4 Termination of authorization — failure to meet**
26 **standards.**

27 1. If a county is subject to termination of its county
28 issuance authorization for failure to meet the department's
29 standards for issuance, the county shall not issue driver's
30 licenses, ~~nonoperator~~ nonoperator's identification cards, or
31 persons with disabilities identification devices until the
32 county has been reauthorized by the department.

33 2. The department is not obligated to provide service
34 in a county for issuance of driver's licenses, ~~nonoperator~~
35 nonoperator's identification cards, or persons with

1 disabilities identification devices if the county fails to meet
2 the department's standards for issuance.

3 Sec. 111. Section 327G.32, subsection 2, paragraph a, Code
4 2016, is amended to read as follows:

5 a. An officer or employee of a railroad corporation
6 violating a provision of [this section](#) is, upon conviction,
7 subject to ~~the a schedule "two" penalty provided in under~~
8 [section 327G.14 327C.5](#).

9 Sec. 112. Section 331.557A, subsections 1 and 3, Code 2016,
10 are amended to read as follows:

11 1. Issue, renew, and replace lost or damaged ~~nonoperator~~
12 ~~nonoperator's~~ identification cards and driver's licenses,
13 including commercial driver's licenses, according to the
14 provisions of [chapter 321M](#).

15 3. Collect fees associated with ~~nonoperator~~ nonoperator's
16 identification cards and driver's licenses, including
17 commercial driver's licenses, and pay to the state amounts in
18 excess of the amount the treasurer is permitted to retain for
19 deposit in the county general fund for license issuance.

20 Sec. 113. Section 331.802, subsection 3, paragraph a, Code
21 2016, is amended to read as follows:

22 a. Violent death, including ~~homicidal~~ homicide, ~~suicidal~~
23 suicide, or accidental death.

24 Sec. 114. Section 331.910, subsection 4, paragraphs a, b,
25 and e, Code 2016, are amended to read as follows:

26 a. A person who is detained, committed, or placed on an
27 involuntary basis under [section 125.75](#) or [229.6](#) may be civilly
28 committed and treated in another state pursuant to a contract
29 under [this section subsection](#).

30 b. A person who is detained, committed, or placed on
31 an involuntary basis under the civil commitment laws of a
32 bordering state substantially similar to [section 125.75](#) or
33 [229.6](#) may be civilly committed and treated in this state
34 pursuant to a contract under [this section subsection](#).

35 e. A person who is detained, committed, or placed under the

1 laws of a sending state and who is transferred to a receiving
2 state under this section subsection shall be considered to
3 be in the legal custody of the authority responsible for the
4 person under the laws of the sending state with respect to the
5 involuntary civil commitment of the person due to a mental
6 illness or a substance-related disorder.

7 Sec. 115. Section 426B.3, subsection 5, Code 2016, is
8 amended by striking the subsection.

9 Sec. 116. Section 428.35, subsection 1, Code 2016, is
10 amended to read as follows:

11 1. *Definitions.* ~~"Person" as used herein means individuals,~~
12 ~~corporations, firms and associations of whatever form.~~
13 ~~"Handling or handled" as used herein means the receiving of~~
14 ~~grain at or in each elevator, warehouse, mill, processing plant~~
15 ~~or other facility in this state in which it is received for~~
16 ~~storage, accumulation, sale, processing or for any purpose~~
17 ~~whatsoever. As used in this section:~~

18 a. "Grain" as used herein means wheat, corn, barley,
19 oats, rye, flaxseed, field peas, soybeans, grain sorghums,
20 spelts, and such other products as are usually stored in
21 grain elevators. Such term excludes such seeds after being
22 processed, and the products of such processing when packaged or
23 sacked. The term "processing"

24 b. "Handling or handled" means the receiving of grain at or
25 in each elevator, warehouse, mill, processing plant, or other
26 facility in this state in which it is received for storage,
27 accumulation, sale, processing, or for any purpose whatsoever.

28 c. "Person" means individuals, corporations, firms, and
29 associations of whatever form.

30 d. "Processing" shall not include hulling, cleaning, drying,
31 grading, or polishing.

32 Sec. 117. Section 434.22, Code 2016, is amended to read as
33 follows:

34 **434.22 Levy and collection of tax.**

35 At the first meeting of the board of supervisors held after

1 ~~said~~ the statement of the department of revenue under section
 2 434.17 is received by the county auditor, the board shall cause
 3 the same to be entered on its minute book, and make and enter in
 4 the minute book an order stating the length of the main track
 5 and the assessed value of each railway lying in each city,
 6 township, or lesser taxing district in its county, through or
 7 into which the railway extends, as fixed by the department
 8 of revenue, which shall constitute the taxable value of the
 9 property for taxing purposes; and the taxes on the property,
 10 when collected by the county treasurer, shall be disposed of as
 11 other taxes. The county auditor shall transmit a copy of the
 12 order to the council or trustees of the city or township.

13 Sec. 118. Section 437.10, Code 2016, is amended to read as
 14 follows:

15 **437.10 Entry of certificate.**

16 At the first meeting of the board of supervisors held
 17 after ~~said~~ the statements of the department of revenue under
 18 section 437.9 are received by the county auditor, the board
 19 shall cause such statement to be entered in its minute book
 20 and make and enter in the minute book an order stating the
 21 length of the lines and the assessed value of the property
 22 of each of the companies situated in each township or lesser
 23 taxing district in each county outside cities, as fixed by the
 24 department of revenue, which shall constitute the taxable value
 25 of the property for taxing purposes. The county auditor shall
 26 transmit a copy of the order to the trustees of each township
 27 and to the proper taxing boards in lesser taxing districts
 28 into which the line or lines of the company extend in the
 29 county. The taxes on the property when collected by the county
 30 treasurer shall be disposed of as other taxes on real estate.

31 Sec. 119. Section 438.15, Code 2016, is amended to read as
 32 follows:

33 **438.15 Assessed value in each taxing district — record.**

34 At the first meeting of the board of supervisors held after
 35 ~~said~~ the statement of the department of revenue under section

1 438.14 is received by the county auditor, the board shall
 2 cause the same to be entered on its minute book, and make and
 3 enter in the minute book an order describing and stating the
 4 assessed value of each pipeline lying in each city, township,
 5 or lesser taxing district in its county, through or into which
 6 the pipeline extends, as fixed by the department of revenue,
 7 which shall constitute the assessed value of the property for
 8 taxing purposes; and the taxes on the property, when collected
 9 by the county treasurer, shall be disposed of as other taxes.
 10 The county auditor shall transmit a copy of the order to the
 11 council of the city, or the trustees of the township, as the
 12 case may be.

13 Sec. 120. Section 440.6, Code 2016, is amended to read as
 14 follows:

15 **440.6 Fraudulent withholding — penalty.**

16 In case the property has been fraudulently withheld from
 17 assessment, the department of revenue may, in addition to said
 18 the ten percent penalty under section 440.5, add any additional
 19 percent, not exceeding fifty percent.

20 Sec. 121. Section 441.21, subsection 7, Code 2016, is
 21 amended to read as follows:

22 7. a. For the purpose of computing the debt limitations for
 23 municipalities, political subdivisions and school districts,
 24 the term "actual value" means the "actual value" as determined
 25 by subsections 1 to through 3 of this section without
 26 application of any percentage reduction and entered opposite
 27 each item, and as listed on the tax list as provided in section
 28 443.2 as "actual value".

29 b. Whenever any board of review or other tribunal changes
 30 the assessed value of property, all applicable records of
 31 assessment shall be adjusted to reflect such change in both
 32 assessed value and actual value of such property.

33 Sec. 122. Section 445.60, Code 2016, is amended to read as
 34 follows:

35 **445.60 Refunding erroneous tax.**

1 The board of supervisors shall direct the county treasurer
2 to refund to the taxpayer any tax or portion of a tax found to
3 have been erroneously or illegally paid, with all interest,
4 fees, and costs actually paid. A refund shall not be ordered
5 or made unless a claim for refund is presented to the board
6 within two years of the date the tax was due, or if appealed to
7 the board of review, the property assessment appeal board, the
8 ~~state board of tax review~~, or district court, within two years
9 of the final decision.

10 Sec. 123. Section 453A.45, subsection 1, paragraph b, Code
11 2016, is amended to read as follows:

12 b. When a licensed distributor sells tobacco products
13 exclusively to the ultimate consumer at the address given
14 in the license, an invoice of those sales is not required,
15 but itemized invoices shall be made of all tobacco products
16 transferred to other retail outlets owned or controlled by that
17 licensed distributor. All books, records and other papers
18 and documents required by this ~~subdivision~~ subsection to be
19 kept shall be preserved for a period of at least three years
20 after the date of the documents or the date of the entries
21 appearing in the records, unless the director, in writing,
22 authorized their destruction or disposal at an earlier date.
23 At any time during usual business hours, the director, or the
24 director's duly authorized agents or employees, may enter any
25 place of business of a distributor, without a search warrant,
26 and inspect the premises, the records required to be kept under
27 this ~~subdivision~~ subsection, and the tobacco products contained
28 therein, to determine if all the provisions of **this division**
29 are being fully complied with. If the director, or any such
30 agent or employee, is denied free access or is hindered or
31 interfered with in making the examination, the license of the
32 distributor at that premises is subject to revocation by the
33 director.

34 Sec. 124. Section 455B.216, Code 2016, is amended to read
35 as follows:

1 **455B.216 Examinations.**

2 The director shall hold at least one examination each year
 3 for the purpose of examining candidates for certification at
 4 a time and place designated by the director. Any written
 5 examination may be given by the department. All examinations
 6 in theory shall be in writing and the identity of the person
 7 taking the examination shall be concealed until after the
 8 examination papers have been graded. For examinations in
 9 practice, the identity of the person taking the examination
 10 shall also be concealed as far as possible. Those applicants
 11 whose competency is acceptable shall be recommended for
 12 certification. Applicants who fail the examination shall
 13 be allowed to take the examination at the next scheduled
 14 time. Thereafter, the applicant shall be allowed to take
 15 the examination at the discretion of the ~~board~~ director. An
 16 applicant who has failed the examination may request in writing
 17 information from the department concerning the applicant's
 18 examination grade and subject areas or questions which the
 19 applicant failed to answer correctly, except that if the
 20 director administers a uniform, standardized examination, the
 21 director is only required to provide the examination grade and
 22 the other information concerning the applicant's examination
 23 results which is available to the department.

24 Sec. 125. Section 456A.15, Code 2016, is amended to read as
 25 follows:

26 **456A.15 Removal.**

27 ~~The appointees and employees aforesaid~~ persons appointed or
 28 employed as provided under sections 456A.13 and 456A.14 may
 29 be removed by the ~~said~~ director at any time subject to the
 30 approval of the commission.

31 Sec. 126. Section 456A.38, subsection 1, paragraph a, Code
 32 2016, is amended to read as follows:

33 a. *"Agricultural land", "authority", "beginning farmer", and*
 34 *"farming"* mean the same as defined in section 16.58.

35 Sec. 127. Section 456A.38, subsection 1, Code 2016, is

1 amended by adding the following new paragraph:

2 NEW PARAGRAPH. *Ob.* "*Authority*" means the same as defined in
3 section 16.1.

4 Sec. 128. Section 459A.206, subsection 2, paragraph c,
5 subparagraph (2), Code 2016, is amended to read as follows:

6 (2) At locations that reflect the continuous soil profile
7 conditions existing within the area of the proposed basin
8 or unformed structure, including conditions found near the
9 corners and the deepest point of the proposed basin or unformed
10 structure. The soil corings shall be taken to a minimum depth
11 of ten feet below the bottom elevation of the basin or unformed
12 structure.

13 Sec. 129. Section 459A.404, subsection 1, paragraph a, Code
14 2016, is amended to read as follows:

15 a. An animal truck wash effluent structure shall not
16 be constructed, ~~including expanded,~~ or expanded within one
17 thousand two hundred fifty feet from a residence not owned by
18 the titleholder of the animal truck wash facility, a commercial
19 enterprise, a bona fide religious institution, an educational
20 institution, or a public use area, as those terms are defined
21 in [section 459.102](#), and as provided in rules adopted by
22 the commission pursuant to [section sections 459.103](#), ~~and as~~
23 ~~provided in rules adopted by the commission pursuant to section~~
24 and 459A.104.

25 Sec. 130. Section 459A.404, subsection 3, paragraph a, Code
26 2016, is amended to read as follows:

27 a. An animal truck wash effluent structure shall not be
28 constructed, ~~including~~ or expanded, on land that is part of
29 a one hundred year floodplain as designated by rules adopted
30 by the commission pursuant to [section 459A.104](#). The rules
31 shall correspond to rules adopted pursuant to section 459.310,
32 subsections 2 and 4.

33 Sec. 131. Section 461A.36, Code 2016, is amended to read as
34 follows:

35 **461A.36 Speed limit.**

1 The maximum speed limit of all vehicles on state park and
 2 preserve drives, roads, and highways shall be thirty-five
 3 miles per hour. All driving shall be confined to designated
 4 roadways. Whenever the commission ~~shall determine~~ determines
 5 that ~~the a~~ a thirty-five mile per hour speed limit ~~hereinbefore~~
 6 ~~set forth~~ is greater than is reasonable or safe under the
 7 conditions found to exist at any place of congestion or upon
 8 any part of the park roads, drives, or highways, ~~said the~~
 9 commission shall determine and declare a reasonable and safe
 10 speed limit ~~thereat~~, which shall be effective when appropriate
 11 signs giving notice ~~thereof~~ of the changed speed limit are
 12 erected at ~~such the~~ places of congestion or other parts of the
 13 park roads, drives, or highways.

14 Sec. 132. Section 468.149, Code 2016, is amended to read as
 15 follows:

16 **468.149 Obstructing or damaging.**

17 1. Any A person or persons willfully diverting,
 18 ~~obstructing, impeding, or filling up~~ is guilty of a serious
 19 misdemeanor if, without legal authority, the person willfully
 20 does any of the following:

21 a. Diverts, obstructs, impedes, or fills up any ditch,
 22 drain, or watercourse ~~or breaking.~~

23 b. Breaks down or injuring injures any levee or the bank of
 24 any settling basin, established, constructed, and maintained
 25 under any provision of law, ~~or obstructing, or engaging.~~

26 c. Obstructs or engages in travel or agricultural practices
 27 upon the improvement or rights-of-way of a levee or drainage
 28 district which the governing body thereof has, by resolution,
 29 determined to be injurious to such improvement or to interfere
 30 with its proper preservation, operation, or maintenance, and
 31 has prohibited, ~~shall be deemed guilty of a serious misdemeanor~~
 32 ~~and any such.~~

33 2. Any unlawful act as above described in subsection 1 is
 34 ~~hereby declared to be a nuisance and may be abated as such.~~

35 3. Said A governing body shall also have the power to repair

1 any ditch, drain, or watercourse, or any levee or bank of any
 2 settling basin, damaged by any person or persons in violation
 3 of ~~the~~ a resolution of said the governing body, after three
 4 days' notice to such person or persons to make such repair, ~~in.~~
 5 In the event that there is a failure to do so make the repair,
 6 ~~and~~ the expense thereof of the repair shall be assessed to ~~such~~
 7 the person or persons and shall be certified and collected in
 8 the same manner as other taxes.

9 Sec. 133. Section 468.207, Code 2016, is amended to read as
 10 follows:

11 **468.207 Form of notice.**

12 1. Such The notice under section 468.206 shall be captioned
 13 in the name of the district and shall be directed to ~~the~~ all of
 14 the following:

15 a. The owners of each tract or lot within said the levee
 16 or drainage district, including railroad companies having
 17 rights-of-way, and lienholders and encumbrancers, ~~and to all.~~

18 b. The owners, lienholders, or encumbrancers of lands which
 19 an adoption of the plan would exclude from benefits and.

20 c. The owners, lienholders, or encumbrancers of lands
 21 outside the district which will benefit therefrom and to all
 22 other persons whom it may concern and, without from the plan.

23 d. Without naming them, to the occupants of all lands
 24 affected and.

25 e. All other persons whom the plan may concern.

26 2. The notice shall set forth that all of the following:

27 a. That there is on file in the office of the auditor a
 28 plan of construction of the federal agency (naming it) agency,
 29 naming the agency, together with reports of an engineer thereon
 30 on the plan, which the board has tentatively approved, and that
 31 such.

32 b. That the plan may be amended before final action; also
 33 the.

34 c. The day and hour set for hearing on the adoption of said
 35 the plan, and that.

1 d. That all claims for damages, except claims for land
2 required for right-of-way or construction, and all objections
3 to the adoption of ~~said~~ the plan for any reason must be made in
4 writing and filed in the office of the auditor at or before the
5 time set for hearing.

6 3. Provisions of this subchapter, parts 1 through 5, for
7 giving notice, waiver of notice, waiver of objection and
8 damages and adjournment for service contained in sections
9 468.15 through 468.20 shall apply.

10 Sec. 134. Section 468.209, Code 2016, is amended to read as
11 follows:

12 **468.209 Entry of order — effect.**

13 1. If the board, after consideration of the subject matter,
14 including all objections filed to the adoption of the plan and
15 all claims for damages, shall find that the district will be
16 benefited by adoption of the plan or the purposes for which the
17 district was established is furthered by the plan, ~~they~~ the
18 board shall enter an order approving and adopting the final
19 plan. The order shall have the effect of:

20 ~~1- a.~~ a. Altering the boundaries of the district to conform to
21 the changes effected by the plan adopted.

22 ~~2- b.~~ b. Canceling all existing awards for damages for
23 property not appropriated for right-of-way or construction and
24 rendered unnecessary by the plan so adopted.

25 ~~3- c.~~ c. Canceling all awards previously made for damages
26 other than for right-of-way or construction but reinstating the
27 claims for such damages which said claims may be amended by the
28 claimants within ten days thereafter.

29 ~~4- d.~~ d. Canceling all unpaid assessments for benefits on
30 lands excluded from the district by adoption of the plan. The
31 assessments so canceled shall become part of the costs of the
32 improvement.

33 ~~5- e.~~ e. Establishing as benefited thereby the lands added to
34 the district by adoption of the plan and rendering same subject
35 to classification and assessment.

1 ~~6.~~ 2. Whenever a plan has been adopted as contemplated
2 by this section, modification and changes can be made therein
3 without further notice or hearing, provided the same do not
4 increase or decrease the estimated cost of the plan to the
5 district by more than twenty-five percent.

6 Sec. 135. Section 468.375, Code 2016, is amended to read as
7 follows:

8 **468.375 ~~Scope of Act~~ Refunding bonds.**

9 Refunding bonds for the purposes set out in this part may
10 be issued to pay off and take up bonds issued in payment for
11 drainage improvements under prior laws or to refund any part
12 thereof. Bonds thus issued shall substantially conform to the
13 provisions of the law relating to drainage bonds and the face
14 amount thereof shall be limited to the amount of the unpaid
15 assessments, with interest thereon, applicable to the payment
16 of the bonds so taken up.

17 Sec. 136. Section 468.540, Code 2016, is amended to read as
18 follows:

19 **468.540 Refunding bonds.**

20 The board of supervisors of any county may extend the time of
21 the payment of any of its outstanding drainage bonds issued in
22 anticipation of the collection of drainage assessments levied
23 upon property within a drainage district, and may extend the
24 time of payment of any unpaid assessment, or any installment
25 or installments thereof. The board may renew or extend the
26 time of payment of such legal bonded indebtedness, or any part
27 thereof, for account of such drainage district, and may refund
28 the same and issue drainage refunding bonds therefor subject to
29 the limitation and in the manner ~~hereinafter~~ provided in this
30 part.

31 Sec. 137. Section 481A.91, Code 2016, is amended to read as
32 follows:

33 **481A.91 Shooting or spearing.**

34 ~~No~~ A person shall not kill with ~~shotgun, or spear~~ any a
35 beaver, mink, otter, or muskrat, ~~or have in possession any~~

1 ~~of said animals~~ with a shotgun or spear. A person shall not
2 possess a beaver, mink, otter, or muskrat or the carcasses,
3 skins, or parts thereof of any one of those animals that have
4 been killed with a shotgun or spear.

5 Sec. 138. Section 484B.5, Code 2016, is amended to read as
6 follows:

7 **484B.5 Boundaries signed — fenced.**

8 Upon receipt of a hunting preserve operator's license,
9 the licensee shall promptly sign the licensed property with
10 signs prescribed by the department. A licensee holding and
11 releasing ungulates shall construct and maintain boundary
12 fences prescribed by the department so as to enclose and
13 contain all released ungulates and exclude all ungulates which
14 are property of the state from becoming a part of the hunting
15 preserve enterprise.

16 Sec. 139. Section 490.1320, subsections 1 and 3, Code 2016,
17 are amended to read as follows:

18 1. Where any proposed corporate action specified in section
19 490.1302, subsection 1, is to be submitted to a vote at a
20 shareholders' meeting, the meeting notice must state that the
21 corporation has concluded that the shareholders are, are not,
22 or may be entitled to assert appraisal rights under this ~~part~~
23 division. If the corporation concludes that appraisal rights
24 are or may be available, a copy of this ~~part~~ division must
25 accompany the meeting notice sent to those record shareholders
26 entitled to exercise appraisal rights.

27 3. Where any corporate action specified in section
28 490.1302, subsection 1, is to be approved by written consent
29 of the shareholders pursuant to [section 490.704](#), all of the
30 following apply:

31 a. Written notice that appraisal rights are, are not, or may
32 be available must be sent to each record shareholder from whom
33 a consent is solicited at the time consent of such shareholder
34 is first solicited and, if the corporation has concluded that
35 appraisal rights are or may be available, must be accompanied

1 by a copy of this chapter division.

2 **b.** Written notice that appraisal rights are, are not, or
3 may be available must be delivered together with the notice to
4 nonconsenting and nonvoting shareholders required by section
5 490.704, subsections 5 and 6, may include the materials
6 described in section 490.1322 and, if the corporation has
7 concluded that appraisal rights are or may be available, must
8 be accompanied by a copy of this chapter division.

9 Sec. 140. Section 499B.2, unnumbered paragraph 1, Code
10 2016, is amended to read as follows:

11 Unless it is plainly evident from the context that a
12 different meaning is intended, as used ~~herein~~ in this chapter:

13 Sec. 141. Section 504.834, subsection 2, paragraph c, Code
14 2016, is amended to read as follows:

15 **c.** Advances pursuant to part 5 of this subchapter.

16 Sec. 142. Section 505.32, subsection 2, paragraph g, Code
17 2016, is amended by striking the paragraph.

18 Sec. 143. Section 505.32, subsection 3, paragraph a, Code
19 2016, is amended to read as follows:

20 **a.** ~~The commissioner, in collaboration with the legislative~~
21 ~~health care coverage commission,~~ shall develop a plan of
22 operation for the exchange within one hundred eighty days
23 ~~from the effective date of~~ this section July 1, 2010. The
24 plan shall create an information clearinghouse that provides
25 resources where Iowans can obtain information about health care
26 coverage that is available in the state.

27 Sec. 144. Section 505.32, subsection 4, paragraph a, Code
28 2016, is amended by striking the paragraph.

29 Sec. 145. Section 507B.4, subsection 3, paragraph b,
30 subparagraph (3), Code 2016, is amended to read as follows:

31 (3) *Statement of capital and surplus.*

32 (a) In the case of a foreign company transacting the
33 business of casualty insurance in the state, or an officer,
34 producer, or representative of such a company, issuing or
35 publishing an advertisement, public announcement, sign,

1 circular, or card that purports to disclose the company's
2 financial standing and fails to exhibit the following: the

3 (i) The capital actually paid in cash, and the amount of net
4 surplus of assets over all the company's liabilities actually
5 held and available for the payment of losses by fire and for
6 the protection of holders of fire policies; ~~and the~~

7 (ii) The amount of net surplus of assets over all
8 liabilities in the United States actually available for the
9 payment of losses by fire and held in the United States for the
10 protection of holders of fire policies in the United States,
11 including in such liabilities the fund reserved for reinsurance
12 of outstanding risks.

13 (b) The amounts stated for capital and net surplus shall
14 correspond with the latest verified statement made by the
15 company or association to the commissioner of insurance.

16 Sec. 146. Section 507B.4C, subsection 5, paragraph b, Code
17 2016, is amended to read as follows:

18 b. Exempting an insurer from the death master file
19 comparisons required under subsection 3, paragraph "a",
20 or permitting an insurer to perform such comparisons less
21 frequently than semiannually, upon a demonstration of financial
22 hardship by the insurer.

23 Sec. 147. Section 511.31, Code 2016, is amended to read as
24 follows:

25 **511.31 Physician's certificate — estoppel.**

26 In any case where the medical examiner, or physician acting
27 as such, of any life insurance company or association doing
28 business in the state shall issue a certificate of health or
29 declare the applicant a fit subject for insurance, or so report
30 to the company or association or its agent under the rules and
31 regulations of ~~such~~ the company or association, ~~it~~ the company
32 or association shall be ~~thereby~~ estopped from setting up in
33 defense of the action on ~~such~~ the policy or certificate that
34 the assured was not in the condition of health required by the
35 policy at the time of the issuance or delivery ~~thereof~~ of the

1 policy or certificate, unless the same policy or certificate
2 was procured by or through the fraud or deceit of the assured.

3 Sec. 148. Section 515.48, subsection 1, paragraph a, Code
4 2016, is amended to read as follows:

5 a. Insure dwelling houses, stores and all kinds of
6 buildings and household furniture, and other property against
7 direct or indirect or consequential loss or damage, including
8 loss of use or occupancy and the depreciation of property
9 lost or damaged by fire, smoke, smudge, lightning and other
10 electrical disturbances, collision, falls, wind, tornado,
11 cyclone, volcanic eruptions, earthquake, hail, frost, snow,
12 sleet, ice, weather or climatic conditions, including excess
13 or deficiency of moisture, flood, rain, or drought, rising
14 of the waters of the ocean or its tributaries, bombardment
15 invasion, insurrection, riot, strikes, labor disturbances,
16 sabotage, civil war or commotion, military or usurped power,
17 any order of a civil authority made to prevent the spread of a
18 conflagration, epidemic or catastrophe, vandalism or malicious
19 mischief, and by explosion whether fire ensues or not, except
20 explosion on risks specified in subsection 6 of this section,
21 provided, however, that there may be insured hereunder the
22 following:

23 (1) Explosion of pressure vessels ~~(not, not~~ including steam
24 boilers of more than fifteen pounds ~~pressure)~~ pressure, in
25 buildings designed and used solely for residential purposes by
26 not more than four families;

27 (2) Explosion of any kind originating outside of the insured
28 building or outside of the building containing the property
29 insured; and

30 (3) Explosion of pressure vessels which do not contain steam
31 or which are not operated with steam coils or steam jackets;
32 and ~~also against loss~~

33 (04) Loss or damage by insects or disease to farm crops or
34 products, and loss of rental value of land used in producing
35 such crops or products; and ~~against accidental~~

1 (004) Accidental injury to sprinklers, pumps, water pipes,
2 elevator tanks and cylinders, steam pipes and radiators,
3 plumbing and its fixtures, ventilating, refrigerating, heating,
4 lighting or cooking apparatus, or their connections, or
5 conduits or containers of any gas, fluid or other substance;
6 and ~~against loss~~

7 (0004) Loss or damage to property of the insured caused
8 by the breakage or leakage ~~thereof~~, or by water, hail, rain,
9 sleet, or snow seeping or entering through water pipes, leaks,
10 or openings in buildings; and ~~against loss~~

11 (00004) Loss of and damage to glass, including lettering and
12 ornamentation thereon, and against loss or damage caused by the
13 breakage of glass; and ~~against loss~~

14 (000004) Loss or damage caused by railroad equipment, motor
15 vehicles, airplanes, seaplanes, dirigibles, or other aircraft.

16 (4) Risks under a multiple peril nonassessable policy
17 reasonably related to the ownership, use or occupancy of a
18 private dwelling or dwellings.

19 Sec. 149. Section 517.3, subsection 1, paragraph a, Code
20 2016, is amended to read as follows:

21 a. All unallocated liability loss expense payments made in
22 a given calendar year subsequent to the first four years in
23 which an insurer has been issuing liability policies shall be
24 distributed as follows:

25 (1) Thirty-five percent shall be charged to the policies
26 written in that year.

27 (2) Forty percent to the policies written in the preceding
28 year.

29 (3) Ten percent to the policies written in the second year
30 preceding, ~~ten~~.

31 (4) Ten percent to the policies written in the third year
32 preceding.

33 ~~(4)~~ (5) Five percent to the policies written in the fourth
34 year preceding.

35 Sec. 150. Section 519A.1, Code 2016, is amended to read as

1 follows:

2 **519A.1 Intent.**

3 1. The general assembly finds that a critical situation
 4 exists because of the high cost and impending unavailability
 5 of medical malpractice insurance. The purposes of sections
 6 519A.2 ~~to~~ through 519A.13 are to assure that the public is
 7 adequately protected against losses arising out of medical
 8 malpractice by providing licensed health care providers with
 9 medical malpractice insurance through the requirement that
 10 certain liability insurance carriers write medical malpractice
 11 insurance for a period of two years upon a finding of an
 12 emergency by the commissioner of insurance that either such
 13 insurance is not available through normal channels or that
 14 it is not available on a reasonable basis because of lack of
 15 competition for such insurance, or otherwise; to establish an
 16 association to equitably spread the risks for such insurance;
 17 and to provide for recoupment of losses resulting from the
 18 operation of the association through a stabilization reserve
 19 fund contributed to by insureds, a surcharge on future
 20 liability insurance policies, or a favorable premium tax
 21 treatment.

22 2. It is the intent of **this chapter** to provide only an
 23 interim solution to the impending unavailability of medical
 24 malpractice insurance. It is not anticipated that **this chapter**
 25 will resolve the underlying causes of the unavailability and
 26 high cost which extend beyond the insurance mechanism. It is
 27 anticipated that future legislation will be required to deal
 28 on a more permanent basis with the underlying causes of the
 29 current situation.

30 Sec. 151. Section 519A.2, subsection 1, Code 2016, is
 31 amended to read as follows:

32 1. "*Association*" means the joint underwriting association
 33 established pursuant to **this section** and sections 519A.3 ~~to~~
 34 through 519A.13.

35 Sec. 152. Section 519A.3, subsection 4, unnumbered

1 paragraph 1, Code 2016, is amended to read as follows:

2 The association shall, subject to the terms and conditions
3 of ~~sections~~ section 519A.2 to, this section, and sections
4 519A.4 through 519A.13, have and exercise the following powers
5 on behalf of its members:

6 Sec. 153. Section 519A.4, subsection 1, Code 2016, is
7 amended to read as follows:

8 1. a. The association shall submit a plan of operation
9 to the commissioner, together with any amendments necessary
10 or suitable to assure the fair, reasonable, and equitable
11 administration of the association consistent with sections
12 519A.2 to, 519A.3, this section, and sections 519A.5 through
13 519A.13. The plan of operation and any amendments thereto
14 shall become effective only after promulgation of the plan or
15 amendment by the commissioner as a rule pursuant to section
16 17A.4: Provided that the initial plan may in the discretion of
17 the commissioner become effective immediately upon filing with
18 the secretary of state pursuant to section 17A.5, subsection 2,
19 paragraph "b", subparagraph (1), subparagraph division (a).

20 b. If the association fails to submit a suitable plan of
21 operation within twenty-five days following the effective date
22 of this chapter or if at any time thereafter the association
23 fails to submit suitable amendments to the plan, the
24 commissioner shall adopt rules necessary to effectuate sections
25 519A.2 to, 519A.3, this section, and sections 519A.5 through
26 519A.13. Such rules shall continue in force until modified
27 by the commissioner or superseded by a plan submitted by the
28 association and approved by the commissioner.

29 Sec. 154. Section 519A.5, subsections 1 and 2, Code 2016,
30 are amended to read as follows:

31 1. The rates, rating plans, rating classifications, and
32 policy forms and endorsements applicable to insurance written
33 by the association and the statistical and experience data
34 relating thereto shall be subject to sections 519A.2 to through
35 519A.4, this section, and sections 519A.6 through 519A.13 and

1 to the provisions of the general insurance code which are not
2 inconsistent with the purposes and provisions of [this chapter](#).

3 2. All policies issued by the association shall provide for
4 a continuous period of coverage beginning with their respective
5 effective dates. All policies shall terminate at 12:01 a.m.
6 two years from the date of finding of an emergency by the
7 commissioner, or earlier in accordance with sections 519A.2
8 through 519A.4, this section, and sections 519A.6 through
9 519A.13; or because of failure of the policyholder to pay any
10 premium or stabilization reserve fund charge or portion of
11 either when due. All policies shall be issued subject to the
12 group retrospective rating plan and the stabilization reserve
13 fund authorized by [this chapter](#). No policy form shall be used
14 by the association unless it has been filed with and approved
15 by the commissioner.

16 Sec. 155. Section 519A.10, subsection 2, Code 2016, is
17 amended to read as follows:

18 2. All orders of the commissioner made pursuant to sections
19 519A.2 ~~to~~ through 519A.9, this section, and sections 519A.11
20 through 519A.13 shall be subject to judicial review as provided
21 in the Iowa administrative procedure Act, [chapter 17A](#).

22 Sec. 156. Section 519A.13, Code 2016, is amended to read as
23 follows:

24 **519A.13 Privileged communications.**

25 There shall be no liability on the part of, and no cause
26 of action of any nature shall arise against the association,
27 the commissioner, or any other person or organization, for any
28 statements made in good faith by any of them in any report or
29 communication concerning risks insured or to be insured by the
30 association, or during any proceedings within the scope of
31 sections 519A.2 ~~to~~ through 519A.12 and [this section](#).

32 Sec. 157. Section 521A.5, subsection 4, paragraph d, Code
33 2016, is amended to read as follows:

34 *d.* The board of directors of a domestic insurer shall
35 establish one or more committees comprised solely of directors

1 or other persons appointed by the board, the majority of whom
 2 are not officers or employees of the insurer or of any entity
 3 controlling, controlled by, or under common control with the
 4 insurer and ~~who~~ are not beneficial owners of a controlling
 5 interest in the voting stock of the insurer or any such entity.
 6 The committee or committees shall have responsibility for
 7 recommending or nominating candidates for director for election
 8 by shareholders or policyholders, evaluating the performance
 9 of officers deemed to be principal officers of the insurer,
 10 and recommending to the board of directors the selection and
 11 compensation of the principal officers.

12 Sec. 158. Section 523A.207, subsection 1, Code 2016, is
 13 amended to read as follows:

14 1. A purchase agreement shall not be sold or transferred,
 15 as part of the sale of a business or the assets of a business,
 16 until an audit has been performed by a certified public
 17 accountant and filed with the commissioner that expresses the
 18 auditor's opinion of the adequacy of funding related to the
 19 purchase agreements to be sold or transferred. If the buyer
 20 of a purchase agreement sold or transferred as part of the
 21 sale of a business or the assets of a business, fails to file
 22 such an audit, the commissioner shall suspend the preneed
 23 seller's license of the buyer and the preneed sales license of
 24 any sales agent in the employ of the buyer until the audit is
 25 filed. In addition, the commissioner shall assess a penalty
 26 against the buyer in an amount up to one hundred dollars for
 27 each day that the audit remains unfiled. The commissioner
 28 shall allow a thirty-day grace period after the date that a
 29 purchase agreement is sold or transferred before suspension of
 30 a license or assessment of a penalty for failure to file an
 31 audit pursuant to [this section subsection](#).

32 Sec. 159. Section 523A.807, subsection 3, unnumbered
 33 paragraph 1, Code 2016, is amended to read as follows:

34 If the commissioner finds that a person has violated section
 35 523A.201, [523A.202](#), [523A.203](#), [523A.207](#), [523A.401](#), [523A.402](#),

1 523A.403, 523A.404, 523A.405, 523A.501, or 523A.502, or any
2 rule adopted pursuant thereto, the commissioner may order any
3 or all of the following:

4 Sec. 160. Section 554.11109, Code 2016, is amended to read
5 as follows:

6 **554.11109 Effect of official comments.**

7 To the extent that they are consistent with the Iowa
8 statutory text, the 1972 Official Comments to the 1972 Official
9 Text of the Uniform Commercial Code are evidence of legislative
10 intent as to the meaning of this chapter as amended by 1974
11 Iowa Acts, ch. 1249. However, prior drafts of the Official
12 Text and Comments may not be used to ascertain legislative
13 intent.

14 Sec. 161. Section 558.44, Code 2016, is amended to read as
15 follows:

16 **558.44 Mandatory recordation of conveyances and leases of**
17 **agricultural land.**

18 1. As used in this section, unless the context otherwise
19 requires:

20 a. "Agricultural land" means agricultural land as defined in
21 section 9H.1.

22 b. "Beneficial ownership" includes interests held by a
23 nonresident alien individual directly or indirectly holding or
24 acquiring a ten percent or greater share in the partnership,
25 limited partnership, corporation, or trust, or directly or
26 indirectly through two or more such entities. In addition,
27 "beneficial ownership" shall include interests held by all
28 nonresident alien individuals if the nonresident alien
29 individuals in the aggregate directly or indirectly hold or
30 acquire twenty-five percent or more of the partnership, limited
31 partnership, corporation, or trust.

32 c. "Conveyance" means all deeds and all contracts for the
33 conveyance of an estate in real property except those contracts
34 to be fulfilled within six months from the date of execution
35 thereof.

1 d. "Nonresident alien" means:

2 (1) An individual who is not a citizen of the United States
3 and who is not domiciled in the United States.

4 (2) A corporation incorporated under the law of any foreign
5 country.

6 (3) A corporation organized in the United States,
7 beneficial ownership of which is held, directly or indirectly,
8 by nonresident alien individuals.

9 (4) A trust organized in the United States or elsewhere
10 if beneficial ownership is held, directly or indirectly, by
11 nonresident alien individuals.

12 (5) A partnership or limited partnership organized in the
13 United States or elsewhere if beneficial ownership is held,
14 directly or indirectly, by nonresident alien individuals.

15 ~~1-~~ 2. Every conveyance or lease of agricultural land,
16 except leases not to exceed five years in duration with
17 renewals, conveyances or leases made by operation of law, and
18 distributions made from estates to heirs or devisees shall be
19 recorded by the grantee or lessee with the county recorder not
20 later than one hundred eighty days after the date of conveyance
21 or lease.

22 ~~2-~~ 3. For an instrument of conveyance of agricultural land
23 deposited with an escrow agent, the fact of deposit of that
24 instrument of conveyance with the escrow agent as well as the
25 name and address of the grantor and grantee shall be recorded,
26 by a document executed by the escrow agent, with the county
27 recorder not later than one hundred eighty days from the date
28 of the deposit with the escrow agent. For an instrument of
29 conveyance of agricultural land delivered by an escrow agent,
30 that instrument shall be recorded with the county recorder not
31 later than one hundred eighty days from the date of delivery of
32 the instrument of conveyance by the escrow agent.

33 ~~3-~~ 4. At the time of recordation of the conveyance or
34 lease of agricultural land, except a lease not exceeding five
35 years in duration with renewals, conveyances or leases made

1 by operation of law and distributions made from estates of
 2 decedents to heirs or devisees, to a nonresident alien as
 3 grantee or lessee, such conveyance or lease shall disclose,
 4 in an affidavit to be recorded therewith as a precondition
 5 to recordation, the name, address, and citizenship of the
 6 nonresident alien. In addition, if the nonresident alien is
 7 a partnership, limited partnership, corporation, or trust,
 8 the affidavit shall also disclose the names, addresses, and
 9 citizenship of the nonresident alien individuals who are the
 10 beneficial owners of such entities. However, any partnership,
 11 limited partnership, corporation, or trust which has a class of
 12 equity securities registered with the United States securities
 13 and exchange commission under section 12 of the Securities
 14 Exchange Act of 1934 as amended to January 1, 1978, need only
 15 state that fact on the affidavit.

16 ~~4.~~ 5. Failure to record a conveyance or lease of
 17 agricultural land required to be recorded by [this section](#)
 18 by the grantee or lessee within the specified time limit is
 19 punishable by a fine not to exceed one hundred dollars per
 20 day for each day of violation. The county recorder shall
 21 record a conveyance or lease of agricultural land presented
 22 for recording even though not presented within one hundred
 23 eighty days after the date of conveyance or lease. The county
 24 recorder shall forward to the county attorney a copy of each
 25 such conveyance or lease of agricultural land recorded more
 26 than one hundred eighty days from the date of conveyance. The
 27 county attorney shall initiate action in the district court
 28 to enforce the provisions of [this section](#). Failure to timely
 29 record shall not invalidate an otherwise valid conveyance or
 30 lease.

31 ~~5.~~ 6. If a real estate contract or lease is required to
 32 be recorded under [this section](#), the requirement is satisfied
 33 by recording either the entire real estate contract or lease
 34 or a memorandum of the contract or lease containing at least
 35 the names and addresses of all parties named in the contract or

1 lease, a description of all real property and interests therein
2 subject to the contract or lease, the length of the contract
3 or initial term of the lease, and in the case of a lease a
4 statement as to whether any of the named parties have or are
5 subject to renewal rights, and if so, the event or condition
6 upon which renewal occurs, the number of renewal terms and the
7 length of each, and in the case of a real estate contract a
8 statement as to whether the seller is entitled to the remedy
9 of forfeiture and as to the dates upon which payments are due.

10 This subsection is effective July 1, 1980, for all contracts
11 and leases of agricultural land made on or after July 1, 1980.

12 ~~6.~~ 7. The provisions of [this section](#), except as otherwise
13 provided, are effective July 1, 1979, for all conveyances and
14 leases of agricultural land made on or after July 1, 1979.

15 Sec. 162. Section 598.7, subsection 1, Code 2016, is amended
16 to read as follows:

17 1. The district court may, on its own motion or on the
18 motion of any party, order the parties to participate in
19 mediation in any dissolution of marriage action or other
20 domestic relations action. Mediation performed under this
21 section shall comply with the provisions of [chapter 679C](#).
22 The provisions of [this section](#) shall not apply if the action
23 involves a child support or medical support obligation enforced
24 by the child support recovery unit. The provisions of this
25 section shall not apply to actions which involve elder abuse ~~as~~
26 ~~defined in [section 235F.1](#)~~ pursuant to chapter 235F or domestic
27 abuse pursuant to [chapter 236](#). The provisions of [this section](#)
28 shall not affect a judicial district's or court's authority
29 to order settlement conferences pursuant to rules of civil
30 procedure. The court shall, on application of a party, grant a
31 waiver from any court-ordered mediation under [this section](#) if
32 the party demonstrates that a history of domestic abuse exists
33 as specified in [section 598.41, subsection 3](#), paragraph "j".

34 Sec. 163. Section 602.8108, subsection 2, Code 2016, is
35 amended to read as follows:

1 2. Except as otherwise provided, the clerk of the district
 2 court shall report and submit to the state court administrator,
 3 not later than the fifteenth day of each month, the fines and
 4 fees received during the preceding calendar month. Except as
 5 otherwise provided in subsections 3, 4, 6, 8, 9, 10, 11, and 12
 6 this section, the state court administrator shall deposit the
 7 amounts received with the treasurer of state for deposit in the
 8 general fund of the state. The state court administrator shall
 9 report to the legislative services agency within thirty days
 10 of the beginning of each fiscal quarter the amount received
 11 during the previous quarter in the account established under
 12 this section.

13 Sec. 164. Section 622.28, Code 2016, is amended to read as
 14 follows:

15 **622.28 Writing or record — when admissible — absence of**
 16 **record — effect.**

17 1. Any writing or record, whether in the form of an entry
 18 in a book, or otherwise, including electronic means and
 19 interpretations thereof, offered as memoranda or records of
 20 acts, conditions or events to prove the facts stated therein,
 21 shall be admissible as evidence if the judge finds that they
 22 were made in the regular course of a business at or about the
 23 time of the act, condition or event recorded, and that the
 24 sources of information from which made and the method and
 25 circumstances of their preparation were such as to indicate
 26 their trustworthiness, and if the judge finds that they are not
 27 excludable as evidence because of any rule of admissibility of
 28 evidence other than the hearsay rule.

29 2. Evidence of the absence of a memorandum or record from
 30 the memoranda or records of a business of an asserted act,
 31 event or condition, shall be admissible as evidence to prove
 32 the nonoccurrence of the act or event, or the nonexistence of
 33 the condition, if the judge finds that it was in the regular
 34 course of that business to make such memoranda of all such
 35 acts, events or conditions at the time thereof or within a

1 reasonable time thereafter, and to preserve them.

2 3. The term ~~business~~ "business", as used in [this section](#),
3 includes a business, profession, occupation, ~~and or~~ or calling of
4 every kind.

5 Sec. 165. Section 622.71, Code 2016, is amended to read as
6 follows:

7 **622.71 Peace officer.**

8 ~~No~~ A peace officer who receives a regular salary, or any
9 other public ~~official shall, in any case,~~ official, shall not
10 receive fees as a witness in any case for testifying in regard
11 to any matter coming to the officer's or official's knowledge
12 in the discharge of the officer's or official's official duties
13 in ~~such~~ that case in a court in the county of the officer's
14 or official's residence, except ~~police~~ peace officers who are
15 called as witnesses when not on duty.

16 Sec. 166. Section 626.51, Code 2016, is amended to read as
17 follows:

18 **626.51 Failure to give notice — effect.**

19 Failure to give ~~such~~ notice of ownership or exemption shall
20 not deprive the party of any other remedy.

21 Sec. 167. Section 626.52, Code 2016, is amended to read as
22 follows:

23 **626.52 Right to release levy.**

24 If after levy the officer receives ~~such~~ notice of ownership
25 or exemption, such officer may release the property unless a
26 bond is given as provided in [section 626.54](#).

27 Sec. 168. Section 626.53, Code 2016, is amended to read as
28 follows:

29 **626.53 Exemption from liability.**

30 The officer shall be protected from all liability by reason
31 of such levy until the officer receives ~~such~~ written notice of
32 ownership or exemption.

33 Sec. 169. Section 626.54, Code 2016, is amended to read as
34 follows:

35 **626.54 Indemnifying bond — sale and return.**

1 When the officer receives ~~such~~ notice of ownership or
 2 exemption, the officer may forthwith give the plaintiff, the
 3 plaintiff's agent, or attorney, notice that an indemnifying
 4 bond is required. Bond may ~~thereupon~~ be given by or for the
 5 plaintiff, with one or more sufficient sureties, to be approved
 6 by the officer, to the effect that the obligors will indemnify
 7 the officer against the damages which the officer may sustain
 8 in consequence of the seizure or sale of the property, and
 9 will pay to any claimant ~~thereof~~ the damages the claimant may
 10 sustain in consequence of the seizure or sale, and will warrant
 11 to any purchaser of the property such estate or interest
 12 therein as is sold; ~~and thereupon~~. After the bond has been
 13 given and approved, the officer shall proceed to subject the
 14 property to the execution, and shall return the indemnifying
 15 bond to the court from which the execution issued.

16 Sec. 170. Section 633.230, subsection 1, Code 2016, is
 17 amended by striking the subsection and inserting in lieu
 18 thereof the following:

19 1. In intestate matters, the administrator, as soon as
 20 letters are issued, shall cause to be published once each
 21 week for two consecutive weeks in a daily or weekly newspaper
 22 of general circulation published in the county in which the
 23 estate is pending, and at any time during the pendency of
 24 administration that the administrator has knowledge of the name
 25 and address of a person believed to own or possess a claim
 26 which will not or may not be paid or otherwise satisfied during
 27 administration, provide by ordinary mail to each such claimant
 28 at the claimant's last known address, a notice of appointment
 29 which shall be in substantially the following form:

30 In the District Court of Iowa
 31 in and for County.

32 In the Estate of Probate No.
 33 , Deceased

34 NOTICE OF APPOINTMENT OF
 35 ADMINISTRATOR AND

1 NOTICE TO CREDITORS

2 To All Persons Interested in the Estate of, Deceased,
3 who died on or about (date):

4 You are hereby notified that on the day of
5 (month), ... (year), the undersigned was appointed
6 administrator of the estate.

7 Notice is hereby given that all persons indebted to
8 the estate are requested to make immediate payment to the
9 undersigned, and creditors having claims against the estate
10 shall file them with the clerk of the above-named district
11 court, as provided by law, duly authenticated, for allowance,
12 and, unless so filed by the later to occur of four months from
13 the second publication of this notice or one month from the
14 date of the mailing of this notice (unless otherwise allowed or
15 paid), a claim is thereafter forever barred.

16 Dated this ... day of (month), ... (year)

17

18 Administrator of the estate

19

20 Address

21

22 Attorney for the administrator

23

24 Address

25 Date of second publication

26 ... day of ... (month), ... (year)

27 (Date to be inserted by publisher)

28 Sec. 171. Section 633.231, subsection 2, Code 2016, is
29 amended by striking the subsection and inserting in lieu
30 thereof the following:

31 2. The notice shall be in substantially the following form:

32 In the District Court of Iowa

33 in and for County.

34 In the Estate of Probate No.

35, Deceased

1 NOTICE OF OPENING ADMINISTRATION
2 OF ESTATE, OF APPOINTMENT OF
3 ADMINISTRATOR, AND NOTICE
4 TO CREDITOR

5 To the Department of Human Services Who May Be Interested in
6 the Estate of, Deceased, who died on or about
7 (date):

8 You are hereby notified that on the day of
9 (month), ... (year), an intestate estate was opened in the
10 above-named court and that was appointed administrator
11 of the estate.

12 You are further notified that the birthdate of the deceased
13 is and the deceased's social security number is
14 ...-...-..... The name of the spouse is The birthdate of
15 the spouse is and the spouse's social security number is
16 ...-...-....., and that the spouse of the deceased is alive as
17 of the date of this notice, or deceased as of (date).

18 You are further notified that the deceased was/was not a
19 disabled or a blind child of the medical assistance recipient
20 by the name of, who had a birthdate of and a social
21 security number of ...-...-....., and the medical assistance
22 debt of that medical assistance recipient was waived pursuant
23 to section 249A.53, subsection 2, paragraph "a", subparagraph
24 (1), and is now collectible from this estate pursuant to
25 section 249A.53, subsection 2, paragraph "b".

26 Notice is hereby given that if the department of human
27 services has a claim against the estate for the deceased person
28 or persons named in this notice, the claim shall be filed with
29 the clerk of the above-named district court, as provided by
30 law, duly authenticated, for allowance, within six months from
31 the date of sending this notice and, unless otherwise allowed
32 or paid, the claim is thereafter forever barred. If the
33 department does not have a claim, the department shall return
34 the notice to the administrator with notification stating the
35 department does not have a claim within six months from the

1 date of sending this notice.

2 Dated this ... day of (month), ... (year)

3

4 Administrator of the estate

5

6 Address

7

8 Attorney for the administrator

9

10 Address

11 Sec. 172. Section 633.295, Code 2016, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **633.295 Testimony of witnesses.**

14 The proof may be made by the oral or written testimony of
15 one or more of the subscribing witnesses to the will. If such
16 testimony is in writing, it shall be substantially in the
17 following form executed and sworn to before or after the death
18 of the decedent:

19 In the District Court of Iowa

20 in and for County.

21 In the Matter of Probate No.

22 the Estate of TESTIMONY OF SUBSCRIBING

23, Deceased WITNESS ON

24 State of) PROBATE OF WILL

25 County) ss

26 I,, being first duly sworn, state:

27 I reside in the County of, State of; I

28 knew the identity of the testator on the day of

29 (month), ... (year), the date of the instrument, the original

30 or exact reproduction of which is attached hereto, now shown

31 to me, and purporting to be the last will and testament of

32 the said; I am one of the subscribing witnesses

33 to said instrument; at the said date of said instrument, I

34 knew the identity of, the other subscribing witness;

35 that said instrument was exhibited to me and to the other

1 subscribing witness by the testator, who declared the same to
2 be the testator's last will and testament, and was signed by
3 the testator at, in the County of, State of
4, on the date shown in said instrument, in the presence
5 of myself and the other subscribing witness; and the other
6 subscribing witness and I then and there, at the request of the
7 testator, in the presence of said testator and in the presence
8 of each other, subscribed our names thereto as witnesses.

9

10 Name of Witness

11

12 Address

13 Subscribed and sworn to before me this ... day of
14 (month), ... (year)

15

16 Signature of notarial officer

17 (Stamp)

18 [.....]

19 Title of office

20 [My commission expires:

21]

22 Sec. 173. Section 633.304, subsection 3, Code 2016, is
23 amended by striking the subsection and inserting in lieu
24 thereof the following:

25 3. The notice shall be substantially in the following form:

26 In the District Court of Iowa

27 in and for County.

28 Probate No.

29 In the Estate of NOTICE OF PROBATE OF WILL,
30, Deceased OF APPOINTMENT OF EXECUTOR,
31 AND NOTICE TO CREDITORS

32 To All Persons Interested in the Estate of, Deceased,
33 who died on or about (date):

34 You are hereby notified that on the day of
35 (month), ... (year), the last will and testament of,

1 deceased, bearing the date of the ... day of (month),
2 ... (year), was admitted to probate in the above-named court
3 and that was appointed executor of the estate. Any
4 action to set aside the will must be brought in the district
5 court of said county within the later to occur of four months
6 from the date of the second publication of this notice or one
7 month from the date of mailing of this notice to all heirs of
8 the decedent and devisees under the will whose identities are
9 reasonably ascertainable, or thereafter be forever barred.

10 Notice is further given that all persons indebted to
11 the estate are requested to make immediate payment to the
12 undersigned, and creditors having claims against the estate
13 shall file them with the clerk of the above-named district
14 court, as provided by law, duly authenticated, for allowance,
15 and, unless so filed by the later to occur of four months from
16 the date of second publication of this notice or one month from
17 the date of mailing of this notice (unless otherwise allowed or
18 paid), a claim is thereafter forever barred.

19 Dated this ... day of (month), ... (year)

20

21 Executor of estate

22

23 Address

24

25 Attorney for executor

26

27 Address

28 Date of second publication

29 ... day of ... (month), ... (year)

30 (Date to be inserted by publisher)

31 Sec. 174. Section 633.304A, subsection 2, Code 2016, is
32 amended by striking the subsection and inserting in lieu
33 thereof the following:

34 2. The notice shall be in substantially the following form:

35 In the District Court of Iowa

1 in and for County.
2 Probate No.
3 In the Estate of NOTICE OF PROBATE OF WILL,
4 , Deceased OF APPOINTMENT OF EXECUTOR,
5 AND NOTICE TO CREDITORS
6 To the Department of Human Services, Who May Be Interested
7 in the Estate of, Deceased, who died on or about
8 (date):
9 You are hereby notified that on the ... day of (month),
10 ... (year), the last will and testament of, deceased,
11 bearing date of the day of (month), ... (year)
12 was admitted to probate in the above-named court and that
13 was appointed executor of the estate.
14 You are further notified that the birthdate of the deceased
15 is and the deceased's social security number is
16 ...-...-..... The name of the spouse is The birthdate of
17 the spouse is and the spouse's social security number
18 is...-...-....., and that the spouse of the deceased is alive as
19 of the date of this notice, or deceased as of (date).
20 You are further notified that the deceased was/was not a
21 disabled or a blind child of the medical assistance recipient
22 by the name of, who had a birthdate of and a social
23 security number of ...-...-....., and the medical assistance
24 debt of that medical assistance recipient was waived pursuant
25 to section 249A.53, subsection 2, paragraph "a", subparagraph
26 (1), and is now collectible from this estate pursuant to
27 section 249A.53, subsection 2, paragraph "b".
28 Notice is hereby given that if the department of human
29 services has a claim against the estate for the deceased person
30 or persons named in this notice, the claim shall be filed
31 with the clerk of the above-named district court, as provided
32 by law, duly authenticated, for allowance within six months
33 from the date of sending this notice and, unless otherwise
34 allowed or paid, the claim is thereafter forever barred. If
35 the department does not have a claim, the department shall

1 return the notice to the executor with notification that the
2 department does not have a claim within six months from the
3 date of sending this notice.

4 Dated this ... day of (month), ... (year)

5

6 Executor of estate

7

8 Address

9

10 Attorney for executor

11

12 Address

13 Sec. 175. Section 633.305, subsection 3, Code 2016, is
14 amended by striking the subsection and inserting in lieu
15 thereof the following:

16 3. The notice shall be substantially in the following form:

17 In the District Court of Iowa

18 in and for County.

19 Probate No.

20 In the Estate of NOTICE OF PROOF OF WILL

21, Deceased WITHOUT ADMINISTRATION

22 To All Persons Interested in the Estate of, Deceased,
23 who died on or about (date):

24 You are hereby notified that on the ... day of (month),
25 ... (year), the last will and testament of, deceased,
26 bearing date of the day of (month), ... (year),
27 was admitted to probate in the above-named court and there will
28 be no present administration of the estate. Any action to set
29 aside the will must be brought in the district court of the
30 county within the later to occur of four months from the date
31 of the second publication of this notice or one month from the
32 date of mailing of this notice to all heirs of the decedent
33 and devisees under the will whose identities are reasonably
34 ascertainable, or thereafter be forever barred.

35 Dated this ... day of (month), ... (year)

1
2 Proponent
3
4 Attorney for estate
5
6 Address
7 Date of second publication
8 ... day of ... (month), ... (year)
9 (Date to be inserted by publisher)
10 Sec. 176. Section 636.26, Code 2016, is amended to read as
11 follows:
12 **636.26 Security subject to court order.**
13 1. When any investment is made pursuant to approval of the
14 court as required by [section 636.23](#) or made or held by and
15 with the consent of the court as provided in [section 636.25](#),
16 such investment shall not be transferred and any security
17 taken to secure such investment shall not be discharged or
18 impaired prior to payment or satisfaction thereof without an
19 order of the court to that effect, unless otherwise authorized
20 by the will, trust agreement or other document under which the
21 fiduciary is acting. Nothing ~~herein~~ contained in this section
22 shall be construed as requiring the approval of any court to
23 release or discharge of record any mortgage or other lien held
24 by any fiduciary upon the payment or satisfaction thereof in
25 full.
26 2. All releases or discharges of record of mortgages or
27 other liens prior to July 4, 1951, by any fiduciary without an
28 order of court where such order was required by [section 682.26](#),
29 Code 1950, are hereby declared to be valid and effective from
30 the filing or recording thereof without such order of court
31 being had and obtained, unless within six months after said
32 date a statement is filed under oath by the claimant or on the
33 claimant's behalf if under disability with the county recorder
34 where such release or discharge was filed or recorded setting
35 forth the claim upon which the invalidity of such release or

1 discharge is based. Nothing ~~herein~~ contained in this section
2 shall affect pending litigation.

3 Sec. 177. Section 654.23, Code 2016, is amended to read as
4 follows:

5 **654.23 No redemption rights after sale.**

6 The mortgagor has no right to redeem after sale. Junior
7 lienholders have no right to redeem after sale. The ~~mortgagor~~
8 mortgagee or a junior lienholder may purchase at the sale and,
9 if so, acquire the same title as would any other purchaser
10 other than the mortgagor. If the mortgagor at the sale bids
11 an amount equal to the judgment, the property shall be sold
12 to the mortgagor even though other persons may bid an amount
13 which is more than the judgment. If the mortgagor purchases
14 at the sale, the liens of junior lienholders shall not be
15 extinguished. If a person other than the mortgagor purchases
16 at the sale, the liens of junior lienholders are extinguished.

17 Sec. 178. Section 656.9, Code 2016, is amended to read as
18 follows:

19 **656.9 Defect in forfeiture proceedings — limitation of**
20 **actions.**

21 An action shall not be commenced by a vendee who is not in
22 possession of the property, or by a party to the forfeiture
23 proceeding who is other than a vendee or vendor, that asserts a
24 claim against real estate previously subject to a forfeiture
25 proceeding, and such claim is based upon a defect in the
26 forfeiture proceeding, in which the proof and record of service
27 of notice of forfeiture required by ~~section 656.6~~ 656.5 has
28 been filed of record for more than ten years.

29 Sec. 179. Section 725.15, Code 2016, is amended to read as
30 follows:

31 **725.15 Exceptions for legal gambling.**

32 Sections 725.5 ~~to~~ through 725.10 and 725.12 do not apply to
33 a game, activity, ticket, or device when lawfully possessed,
34 used, conducted, or participated in pursuant to chapter 99B,
35 99F, or 99G.

1 Sec. 180. Section 805.8A, subsection 5, paragraph b, Code
2 2016, is amended by striking the paragraph.

3 Sec. 181. Section 820.22, Code 2016, is amended to read as
4 follows:

5 **820.22 Receiving person extradited.**

6 Whenever the governor of this state shall demand a person
7 charged with crime or with escaping from confinement or
8 breaking the terms of the person's bail, probation or parole in
9 this state, from the executive authority of any other state, or
10 from the chief ~~justice~~ judge or an associate ~~justice~~ judge of
11 the ~~Supreme Court~~ superior court of the District of Columbia
12 authorized to receive such demand under the laws of the United
13 States, the governor shall issue a warrant under the seal of
14 this state, to some agent, commanding the agent to receive the
15 person so charged if delivered to the agent and convey the
16 person to the proper officer of the county in this state in
17 which the offense was committed.

18 Sec. 182. Section 901C.1, subsection 1, Code 2016, is
19 amended by striking the subsection.

20 Sec. 183. Section 901C.1, subsections 4, 5, 6, and 7, Code
21 2016, are amended to read as follows:

22 4. This chapter section does not apply to dismissals related
23 to a deferred judgment under section 907.9.

24 5. This chapter section applies to all public offenses, as
25 defined under section 692.1.

26 6. The court shall advise the defendant of the provisions of
27 this ~~chapter~~ section upon either the acquittal or the dismissal
28 of all criminal charges in a case.

29 7. The supreme court may prescribe rules governing the
30 procedures applicable to the expungement of the record of a
31 criminal case under this chapter section.

32 Sec. 184. NEW SECTION. 901C.1A Definition.

33 As used in this chapter, unless the context otherwise
34 requires, "*expunge*" and "*expungement*" mean the same as expunged
35 in section 907.1.

1 Sec. 185. Section 916.2, subsection 4, Code 2016, is amended
2 to read as follows:

3 4. A privilege under **this section** does not apply in matters
4 of proof concerning the chain of custody of evidence, in
5 matters of proof concerning the physical appearance of the
6 victim at the time of the injury or the advocate's first
7 contact with the victim after the injury, or if the ~~counselor~~
8 advocate has reason to believe that the victim has given
9 perjured testimony and the defendant or the state has made an
10 offer of proof that perjury may have been committed.

11 Sec. 186. REPEAL. Sections 328.55, 445.6, and 558.43, Code
12 2016, are repealed.

13 Sec. 187. REPEAL. 2015 Iowa Acts, chapter 30, sections 220
14 and 222, are repealed.

15 Sec. 188. CODE EDITOR DIRECTIVE.

16 1. The Code editor is directed to make the following
17 transfers:

18 a. Section 901C.1 to section 901C.2.

19 b. Section 901C.1A as enacted in this Act to section 901C.1.

20 2. The Code editor shall correct internal references in the
21 Code and in any enacted legislation as necessary due to the
22 enactment of this section.

23 Sec. 189. EFFECTIVE DATES.

24 1. The section of this Act amending section 249K.2,
25 subsection 3, Code 2016, takes effect upon the assumption of
26 the administration and governance, including but not limited
27 to the assumption of the assets and liabilities, of the Iowa
28 health information network by the designated entity. The
29 department of public health shall notify the Code editor of the
30 date of such assumption by the designated entity.

31 2. The section of this Act amending section 445.60, Code
32 2016, takes effect July 1, 2018.

33 3. The section of this Act repealing 2015 Iowa Acts, chapter
34 30, sections 220 and 222, being deemed of immediate importance,
35 takes effect upon enactment.

DIVISION II

CORRESPONDING CHANGES

1
2
3 Sec. 190. Section 234.38, Code 2016, is amended to read as
4 follows:

5 **234.38 Foster care reimbursement rates.**

6 The department of human services shall make reimbursement
7 payments directly to foster parents for services provided to
8 children pursuant to [section 234.6, subsection 6 1](#), paragraph
9 ~~"b"~~ "e", subparagraph (2), or [section 234.35](#). In any fiscal
10 year, the reimbursement rate shall be based upon sixty-five
11 percent of the United States department of agriculture
12 estimate of the cost to raise a child in the calendar year
13 immediately preceding the fiscal year. The department may pay
14 an additional stipend for a child with special needs.